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सं. 13]

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No. 13]

NEW DELHI, SATURDAY, MARCH 29, 1997/CHAITRA 8, 1919

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

(न्यायिक अनुभाग)

सूचना

नई दिल्ली, 4 मार्च, 1997

का. आ. 798:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में मक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री पी. ए. मोनप्पा, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बंगलौर सिटी, (कर्नाटक) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5 (29)/97-न्यायिक]

एन. सी. जैन, मक्षम प्राधिकारी एवं अपर विधि सलाहकार

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

(Judicial Section)

NOTICE

New Delhi, the 4th March, 1997

S.O. 798.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri P. M. Monappa Advocate for appointment as a Notary to practise in Bangalore City (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writ-inn to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(29)/97-Judl.]

N. C. JAIN, Competent Authority &
Addl. Legal Adviser

सूचना

नई दिल्ली, 4 मार्च, 1997

का. आ. 799:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्रीमती मेघना मार्कण्ड किरलोस्कर, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे पद्मवती (पूणे) महाराष्ट्र में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5 (30)/97—न्यायिक]

एन. सी. जैन, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 4th March, 1997

S.O. 799.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shrimati Meghana Markanda Kirloskar, Adv. for appointment as a Notary to practise in Padmavati in Pune, (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(30)/97-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 4 मार्च, 1997

का. आ. 800:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री जोगिन्दर सिंह एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फिरोजपुर जिला (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5 (35)/97—न्यायिक]

एन. सी. जैन, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 4th March, 1997

S.O. 800.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Joginder Singh, Advocate for appointment as a Notary to practise in Distt. Ferozepur (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(35)/97-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 4 मार्च, 1997

का. आ. 801:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री परमजीत सिंह, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे शाहबाद मार्कण्ड (हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5 (38)/97—न्यायिक]

एन. सी. जैन, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 4th March, 1997

S.O. 801.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Paramjit Singh, Advocate for appointment as a Notary to practise in Shahabad Markanda, (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(38)/97-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 7 मार्च, 1997

का. आ. 802:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अशोक कुमार गुप्ता, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे भटिण्डा (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5(42)/97-न्यायिक]

एन. सी. जैन, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 7th March, 1997

S.O. 802.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Ashok Kumar Gupta, Advocate for appointment as a Notary to practise in Bhatinda (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(42)/97-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 6 मार्च, 1997

का. आ. 803:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री बाबू राम वर्मा, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बदरपुर राष्ट्रीय राजधानी शिल्ली में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5(48)/97-न्यायिक]

एन. सी. जैन, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 6th March, 1997

S.O. 803.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority under Rule 4 of the said Rules, by Sh. Babu Ram Varma, Advocate for appointment as a Notary to practise in N.C.T. of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(48)/97-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 7 मार्च, 1997

का. आ. 804:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अरुण कुमार अग्रवाल एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे जिला न्यायालय, मथुरा (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5 (43)/97-न्यायिक]

एन. सी. जैन, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 7th March, 1997

S.O. 804.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Arun Kumar Agrawal, Advocate for appointment as a Notary to practise in Mathura Distt. Court (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(43)/97-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 7 मार्च, 1997

का. आ. 805:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री वीरभान, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सब डिविजन कोर्ट, पेहवा (हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5 (44)/97-न्यायिक]

एन. सी. जैन, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 7th March, 1997

S.O. 805.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Bir Bhan, Advocate for appointment as a Notary to practise in Sub-Div. Courts, Pehowa (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(44)/97-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 7 मार्च, 1997

का.आ. 806:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री हृदय सिंह यादव, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अजमेर (राजस्थान) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5(45)/97-न्यायिक]

एन. सी. जैन, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 7th March, 1997

S.O. 806.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the

Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Inder Singh Yadav, Advocate for appointment as a Notary to practise in Ajmer, Rajasthan.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(45)/97-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 7 मार्च, 1997

का.आ. 807:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री के. रमानी, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मद्रास जिला (चेन्नई) में व्यवसाय करने के लिए नोटरीज के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5(46)/97-न्यायिक]

एन.सी. जैन, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 7th March, 1997

S.O. 807.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. K. Ramani, Advocate for appointment as a Notary to practise in Distt. Madras, (Chennai).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(46)/97-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 7 मार्च, 1997

का.आ. 808:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री धरमवीर, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे कैथल (हरियाणा) में व्यवसाय करने के लिए नोटरीज के रूप में नियुक्ति पर किसी भी प्रकार

का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर निम्नलिखित रूप से मेरे पास भेजा जाए।

[सं० एफ. 5(47)/97-न्यायिक]

एन०सी० जैन, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 7th March, 1997

S.O. 808.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Dharam Vir, Advocate for appointment as a Notary to practise in Kaithal, (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(47)/97-JudL]

N. C. JAIN, Competent Authority &
Addl. Legal Adviser

गृह मंत्रालय

(पुनर्वास प्रभाग)

नई दिल्ली, 31 जनवरी, 1997

का०आ० 809:—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 की धारा 3 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार के भूमि एवं भवन विभाग, निष्क्रांत सम्पत्ति सैल में सहायक बंदोबस्त आयुक्त, श्री ए०के० जैन को सहायक बंदोबस्त आयुक्त के रूप में अपने दायित्वों के अतिरिक्त उक्त अधिनियम के द्वारा अथवा उसके अधीन सहायक बंदोबस्त आयुक्त को सौंपे गए कार्यों का निष्पादन करने के उद्देश्य से सहायक बंदोबस्त आयुक्त के रूप में नियुक्त करती है।

2. इससे तारीख 24-2-1994 की पहले की अधिसूचना संख्या 1(2)/94-बंदोबस्त(क) का अतिश्रमण होता है।

[संख्या 1(2)/94-बंदोबस्त(क)]

आर०एस० आहुजा, अवसर सचिव

MINISTRY OF HOME AFFAIRS

(Rehabilitation Division)

New Delhi, the 31st January, 1997

S.O. 809.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the Central Government

hereby appoints Shri A. K. Jain, Assistant Settlement Commissioner in the Land and Building Department, Evacuee Property Cell, Government of N.C.T. of Delhi as Assistant Settlement Commissioner, for the purpose of performing, in addition to his own duties as Assistant Settlement Commissioner, the functions assigned to a Assistant Settlement Commissioner by or under the said Act.

2. This supersedes earlier notification No. 1(2)/94-Settlement (A) dated 24-2-1994.

[No. 1(2)/94-Settlement(A)]

R. S. AHUJA, Under Secy.

नई दिल्ली, 31 जनवरी, 1997

का०आ० 810:—निष्क्रांत सम्पत्ति प्रबंध अधिनियम, 1950 (1950 का 31) की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भूमि एवं भवन विभाग, निष्क्रांत सम्पत्ति सैल, राष्ट्रीय राजधानी क्षेत्र, दिल्ली में सहायक बंदोबस्त आयुक्त श्री ए०के० जैन को उनके स्वयं के दायित्वों के अतिरिक्त उक्त अधिनियम के द्वारा अथवा उसके अधीन एक अभिरक्षक को सौंपे गए कार्यों का निष्पादन करने के उद्देश्य से दिल्ली में निष्क्रांत सम्पत्तियों के अभिरक्षक के रूप में नियुक्त करती है।

2. इससे तारीख 24-2-1994 की पहले की अधिसूचना सं० 1(2)/94-बंदोबस्त(ख) का अतिश्रमण होता है।

[संख्या 1(2)/94-बंदोबस्त(ख)]

आर०एस० आहुजा, अवसर सचिव

New Delhi, the 31st January, 1997

S.O. 810.—In exercise of the powers conferred by Sub-section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby appoints Shri A. K. Jain, Assistant Settlement Commissioner in the Land and Building Department, Evacuee Property Cell, N.C.T. of Delhi as the Custodian of Evacuee Properties in Delhi, in addition to his own duties, for the purpose of performing the functions assigned to a Custodian by or under the said Act.

2. This supersedes earlier notification No. 1(2)/94-Settlement(B) dated 24-2-1994.

[No. 1(2)/94-Settlement(B)]

R. S. AHUJA, Under Secy.

कामिक, लोक शिकायत तथा पेंशन मंत्रालय

(कामिक और प्रशिक्षण विभाग)

आदेश

नई दिल्ली, 14 मार्च, 1997

का०आ० 811:—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं० 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना एसआरओ 86 दिनांक 5-3-97 द्वारा प्राप्त जम्मु

और कश्मीर सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार श्री अब्दुल गनी लोन पुत्र स्व० ग़लाम अहमद लोन, निवासी लोन हार्ड कुपवाड़ा राहुलपुरा, श्रीनगर (जम्मू और कश्मीर) तथा उससे संबंधित किसी अन्य व्यक्ति (यों) के विरुद्ध विदेशी अभिदाय (विनियमन) अधिनियम, 1976 (1976 का अधिनियम सं० 19) के अधीन दंडनीय किसी अन्य अपराध तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों के उद्भूत उक्त अपराधों से संबंधित अथवा संसक्त किन्हीं अन्य अपराधों, प्रयत्नों, दुष्प्रेरणों तथा पड्यवों के अन्वेषण के लिए संपूर्ण जम्मू और कश्मीर राज्य पर करती है।

[सं० 228/16/97-ए.वी.डी-II(i)]

हरि सिंह, अवसर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION

(Department of Personnel and Training)

ORDER

New Delhi, the 14th March, 1997

S.O. 811.—In exercise of the powers conferred by Sub section (1) of Section 5, read with Section 6 of the Delhi Special Police Establishment Act 1946 (Act No. 25 of 1946), the Central Government with the consent of the Government of Jammu and Kashmir vide its Notification SRO 86 dated 5-3-97 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Jammu and Kashmir for the investigation of the any offence punishable under the Foreign Contribution (Regulation) Act, 1976 (Act No. 49 of 1976) and for any other offences, attempts, abetments and conspiracy in relation to or in connection with the said offences committed in the course of same transaction or arising out of the same facts against Shri Abdul Ghani Lone son of Late Shri Ghulam Ahmed Lone resident of Lone Harai, Kupwara, Rawalpura, Srinagar, (J & K) and any other person(s) connected therewith.

[No. 228/16/97-AVD.II(i)]

HARI SINGH, Under Secy.

आवेश

नई दिल्ली, 14 मार्च, 1997

का०आ० 812.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं० 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना एस आर ओ 87 दिनांक 5-3-97 द्वारा प्राप्त जम्मू और कश्मीर सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता

का विस्तार सैयद अली शाह गिलानी पुत्र स्व० पीर शाह गिलानी निवासी डुरू, तहसील सोपोर, जिला बaramulla, (जम्मू और कश्मीर) तथा उससे संबंधित किसी अन्य व्यक्ति (यों) के विरुद्ध विदेशी अभिदाय (विनियमन) अधिनियम, 1976 (1976 का अधिनियम सं० 49) के अधीन दंडनीय किसी अन्य अपराध तथा उसी संव्यवहार के अनुक्रम में किये गये अथवा उन्हीं तथ्यों के उद्भूत उक्त अपराधों से संबंधित अथवा संसक्त किन्हीं अन्य अपराधों, प्रयत्नों, दुष्प्रेरणों तथा पड्यवों के अन्वेषण के लिए संपूर्ण जम्मू और कश्मीर राज्य पर करती है।

[सं० 228/16/97-ए.वी.डी-II(ii)]

हरि सिंह, अवसर सचिव

ORDER

New Delhi, the 14th March, 1997

S.O. 812.—In exercise of the powers conferred by Sub section (1) of Section 5, read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the Government of Jammu and Kashmir vide its Notification SRO 87 dated 5-3-97 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Jammu and Kashmir for the investigation of the any offence punishable under the Foreign Contribution (Regulation) Act, 1976 (Act No. 49 of 1976) and for any other offences, attempts, abetments and conspiracy in relation to or in connection with the said offences committed in the course of same transaction or arising out of the same facts against Syed Ali Shah Gillani son of Late Pin Shah Gillani resident of Dorroo, Tehsil Sopore, Distt. Baramulla, (J & K) and any other person(s) connected therewith.

[No. 228/16/97-AVD.II(iii)]

HARI SINGH, Under Secy.

आवेश

नई दिल्ली, 14 मार्च, 1997

का०आ० 813.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं० 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना एसआरओ 88 दिनांक 5-3-97 द्वारा प्राप्त जम्मू और कश्मीर सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार मोलवी अब्बास अन्सारी पुत्र स्व० मोलवी हुसैन अली अन्सारी, निवासी खानकही सोकफता, नवा कदल, श्रीनगर (जम्मू और कश्मीर) तथा उससे संबंधित किसी अन्य

व्यक्ति(यों) के विरुद्ध विदेशी अभिवाय (विनियमन) अधिनियम, 1976 (1976 का अधिनियम सं० 49) के अधीन दंडनीय किसी अन्य अपराध तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत उक्त अपराधों से संबंधित अथवा संसक्त किन्हीं अन्य अपराधों, प्रयत्नों, दुष्टचर्यों तथा पडयंत्रों के अन्वेषण के लिए सम्पूर्ण जम्मू और कश्मीर राज्य पर करती है।

[सं० 228/16/97-ए वी डी-II(iii)]

हरी सिंह, अवसर सचिव

ORDER

New Delhi, the 14th March, 1997

S.O. 813.—In exercise of the powers conferred by Sub section (1) of Section 5, read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the Government of Jammu and Kashmir vide its Notification SRO 88 dated 5-3-97 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Jammu and Kashmir for the investigation of the any offence punishable under the Foreign Contribution (Regulation) Act, 1976 (Act No. 49 of 1976) and for any other offences, attempts, abetments and conspiracy in relation to or in connection with the said offences committed in the course of same transaction or arising out of the same facts against Maulvi Abbas Ansari son of Late Maulvi Hussain Ali Ansari resident of Khankahi Sokhta, Nawa Kadal, Srinagar, (J & K) and any other person(s) connected therewith.

[No. 228/16/97-AVD. II(iii)]

HARI SINGH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 28 फरवरी, 1997

का०आ० 814 :—केन्द्रीय प्रत्यक्ष कर बोर्ड (कारबार संव्यवहार का विनियमन), 1964 के नियम 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय सीमाशुल्क एवं केन्द्रीय उत्पादशुल्क सेवा के अधिकारी एवं

वर्तमान में सदस्य, केन्द्रीय उत्पाद शुल्क एवं सीमाशुल्क बोर्ड के रूप में तैनात, श्री एस०डी० मोहिल को दिनांक 28 फरवरी, 1997 के अपराह्न से तथा अगले आदेशों तक केन्द्रीय उत्पाद शुल्क एवं सीमाशुल्क बोर्ड का अध्यक्ष नियुक्त करती है।

[का०सं० ए-19011/1/96-अगा० I]

एच०एम० चौधरी, उप सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 28th February, 1997

S.O. 814.—In exercise of the powers conferred by rule 3 of the Central Board of Excise and Customs (Regulation of Transaction of Business) Rules, 1964, the Central Government hereby appoints Shri S. D. Mohile, an officer of Indian Customs and Central Excise Service and presently posted as Member, Central Board of Excise and Customs as Chairman, Central Board of Excise and Customs with effect from the afternoon of 28th February, 1997 and until further orders.

[F. No. A-19011/1/96-Ad.I]

H. M. CHOUDHURY, Dy. Secy.

विदेश मंत्रालय

नई दिल्ली, 5 मार्च, 1997

का० आ० 815 राजनयिक कौंसली अधिकारी (एम्बेस्सी एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) के धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एम्बेस्सी भारत का उच्चायोग माल्टा में निज सहायक श्री होती लाल को 4 मार्च, 1997 से सहायक कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[टी-4330/2/96]

वी० महालिंगम, अवसर सचिव (विदेशी मामला)

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 5th March, 1997

S.O. 815.—In pursuance of the Clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Hoti Lal, P.A in the High Commission of India, Malta to perform the duties of Assistant Consular Officer with effect from 4-3-97.

[No. T-4330/2/96]

V. MAHALINGAM, Under Secy. (Cons.)

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

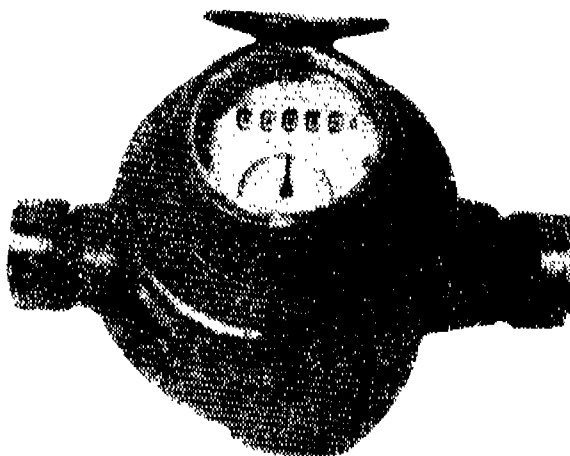
नई दिल्ली, 14 मार्च, 1997

कांश्रा० 816.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा निवेदित रिपोर्ट (नीचे आकृति देखिए) पर विचार करने के पश्चात, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “केंट लेस मीटर” ब्रांड नाम और टाइप के ब्रव (जल से भिन्न) के लिए मीटर के माडल का (जिसे इसमें इसके पश्चात माडल कहा गया है) जिसका विनिर्माण मैसर्स एम०एस० इंजीनियरिंग इंडस्ट्रीज, एच-35, साउथ एक्स्टेंशन, पार्ट-1, नई दिल्ली-110049 द्वारा किया गया है और जिसे अनुमोदन विहन आई०एन०डी०/09/95/73 समनुवित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है ।

अनुमोदित माडल के व्योम निम्न अनुसार है :

विनिर्माता का नाम	मैसर्स एम०एस० इंजीनियरिंग इंडस्ट्रीज, एच-35, साउथ एक्स्टेंशन, पार्ट-1, नई दिल्ली-110049
माडल	केंट आयल मीटर
नामीय आकार	25 मिलीमीटर
अधिकतम प्रवाह दर	2160 लीटर प्रति घंटा
न्यूनतम प्रवाह दर	216 लीटर प्रति घंटा
न्यूनतम निकास	4 लीटर
अधिकतम क्षमता	99999 लीटर
सत्यापन मापमान अन्तर	0.1 लीटर
अधिकतम प्रचालन दाब	21 किलोग्राम/सी०एम० 2
अंकों की ऊंचाई	6 मिलीमीटर
अंकों की संख्या	5



अतः, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त के अनुसार और उसी सामग्री में, जिसमें अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित उसी मिरिज के 15 मिलीमीटर और 20 मिलीमीटर के नामीय आकार के मीटर की है ।

[कांश्रा० डब्ल्यू० एम० 21(50)/92]

राजीव श्रीवास्तव, संयुक्त सचिव

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS, AND PUBLIC DISTRIBUTION

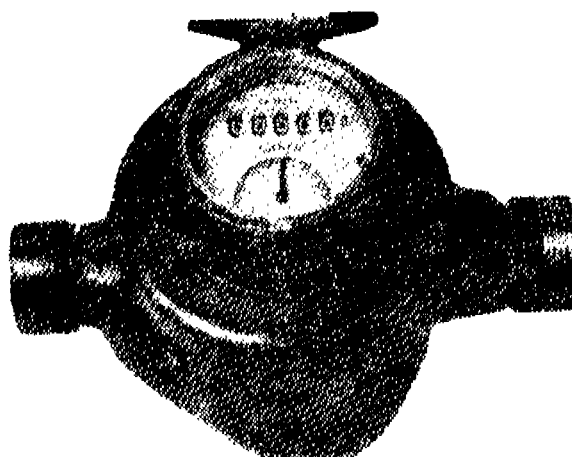
New Delhi, the 14th March, 1997

S.O. 816.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of Meter for liquids (other than water) of brand name and type "Kent Oil Meter", (hereinafter referred to as the Model) manufactured by M/S S.S. Engineering Industries, H-35, South Extension Part I, New Delhi-110049, and which is assigned the approval mark IND/09/95/73,

The details of the approved model are as under ;

Name of the manufacturer ;	M/S S.S. Engineering Industries H-35, South Extension Part,-I. New Delhi-110049.
Model	; Kent Oil Meter
Nominal size	; 25 mm
Maximum flow rate	; 2160 litre per hour
Min flow rate	; 216 litre per hour
Minimum delivery	; 4 litre
Maximum capacity	; 99999 litres
Verification Scale	; 0.1 litre
Maximum working pressure	; 21 kg/cm ²
Indicating device	;
Height of digits	; 6 mm
Number of digits	; 5.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the meters of nominal sizes of 15 mm and 20 mm of the same series manufactured by the same manufacturer in accordance with the same principle and with the same materials with which, the approved Models has been manufactured.

[F. No. WM-21/(50) /92]

RA7IV SRIVASTAVA, Jt. Secy.

नई दिल्ली, 14 मार्च, 1997

कां० 817.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा निवेदित रिपोर्ट (नीचे आकृति देखिए) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग III मध्यम यथार्थता 3 डी०टी०पी०डब्ल्यू० मिगीज और सी०आई०बी०आई० ब्रांड नाम वाले स्वतः सूचक गैर-स्वचालित इलेक्ट्रॉनिक टैबल टॉप तोलन मशीन के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैमर्स गिरिड्रॉनिक 8, नार्थ स्ट्रीट, श्रीराम नगर, मद्रास, 600010 द्वारा किया गया है और जिसे अनुमोदन विहन आई०एन०डी०/09/96/22 समन्वित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है ।

माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग III) का इलेक्ट्रॉनिक टैबल टॉप तोलन उपकरण है जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है । सत्यापन मापमान अंतर (ई) 5 ग्राम है । सात खंडीय (15 अंकों) प्रकाश उत्सर्जन डायोड अंकीय संप्रदर्श तोल परिणाम उपदर्शित करता है भारघ्राही गोल या आयताकार आकृति का धात्विक पलड़ा (पेल) का है जिसका व्यास 250 मिलीमीटर या 200 मिलीमीटर \times 341 मिलीमीटर है । यह उपकरण 250 वोल्ट, 50 हर्ट्ज के विद्युत प्रदाय पर कार्य करता है ।



आकृति

आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त के अनुसार और उसी सामग्री में, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 1 किलोग्राम, 2 किलोग्राम, 3 किलोग्राम, 5 किलोग्राम, 10 किलोग्राम, 15 किलोग्राम, 20 किलोग्राम, 25 किलोग्राम, 30 किलोग्राम, 50 किलोग्राम, 100 किलोग्राम और 200 किलोग्राम की अधिकतम क्षमता, वाले समरूप मेक, यथार्थता और उसी मिगीज के कार्यकरण वाले तोलन उपकरण भी हैं ।

[फा०सं० डब्ल्यू० एम० 21(52)/92]

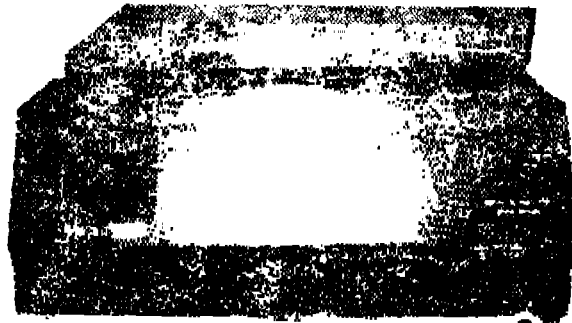
राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 14th March 1997

S.O. 817.—Whereas the Central Government, after considering the report submitted to it by prescribed authority is satisfied that the Model described in the report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to tender accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic electronic, table top weighing machine of series "DTPW" series of class III Medium accuracy and with brand name "CIBI" (hereinafter referred to as the Model) manufactured by M/s Giridronics, 8 Northstreet, Sriram Nagar, Madras-600010, and which is assigned the approval mark IND/09/96/22;

The Model (see figure) is a medium accuracy (accuracy class III) electronic table top weighing instrument with a maximum capacity of 10 kg and minimum capacity of 100 gram. The verification scale interval (e) is 5 gram. The 7 segment (15 digits) LED digital display indicates the weighing result. The load receptor is a metallic pan of round or rectangular shape of diameter of 250 mm or 200x341 mm. The instrument works on 250 volts 50 hertz power supply.



Figure

Further, in exercise of the power conferred by sub-section (2) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 1kg, 2kg, 3kg, 5kg, 10kg, 15kg, 20kg, 25kg, 30kg, 50kg, 100kg and 200kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F.No. WM-21 (52)/92]

RAJIV SRIVASTAVA, Jt.Secy.

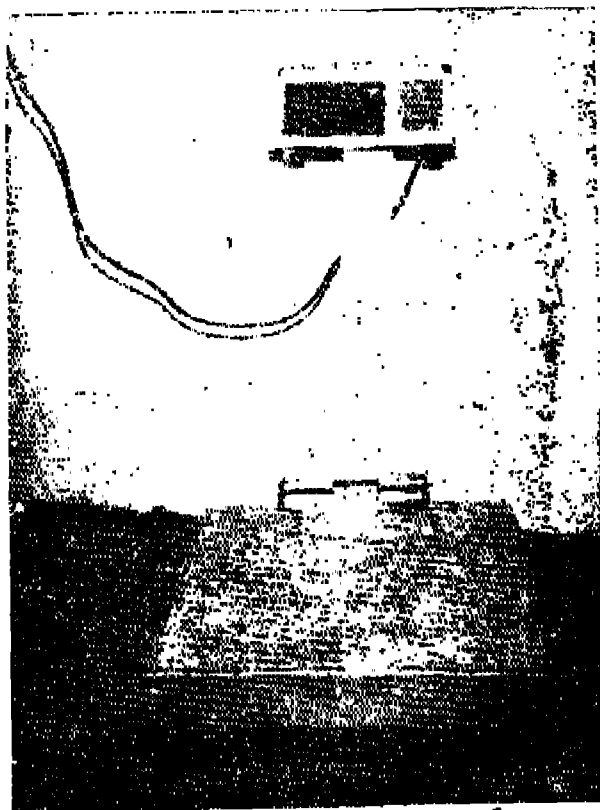
नई दिल्ली, 17 मार्च, 1997

कां.आ. 818.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट (नीचे आकृति देखें) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा,

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता वर्ग III की ई०एस०पी० सिरीज टाइप के और "लिओ" ब्रांड नाम वाले स्वतः सूचक गैर-स्वचालित प्लेटफार्म तोलन उपकरण के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण संसम लिओट्रॉनिक्स स्केल्स प्राइवेट लिमिटेड, 47, हाई-मार्केट, अमृतसर द्वारा किया गया है और जिसे अनुमोदन चिह्न आई०एन०डी०/09/96/41 समनुदिष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक मध्यम (यथार्थता वर्ग III) का तोलन उपकरण है जिसकी अधिकतम क्षमता 60 किलोग्राम और न्यूनतम क्षमता 200 ग्राम है। सत्यापन मापमान अन्तर (ई) 10 ग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण प्रभाव 100 प्रतिशत है। भारग्राही आयताकार सैबनन का है जिसका आकार 420—520 मिलीमीटर है। प्रकाश

उत्सर्जन छायांक संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आकृति

आगे, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्त का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 100 किलोग्राम/20 ग्राम/200 किलोग्राम/50 ग्राम, 250 किलोग्राम/50 ग्राम, 300 किलोग्राम/50 ग्राम, 500 किलोग्राम/100 ग्राम, 1000 किलोग्राम/200 ग्राम, और 2000 किलोग्राम/200 ग्राम, की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी शिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा० सं० डब्ल्यू० एम० 21(14)/93]

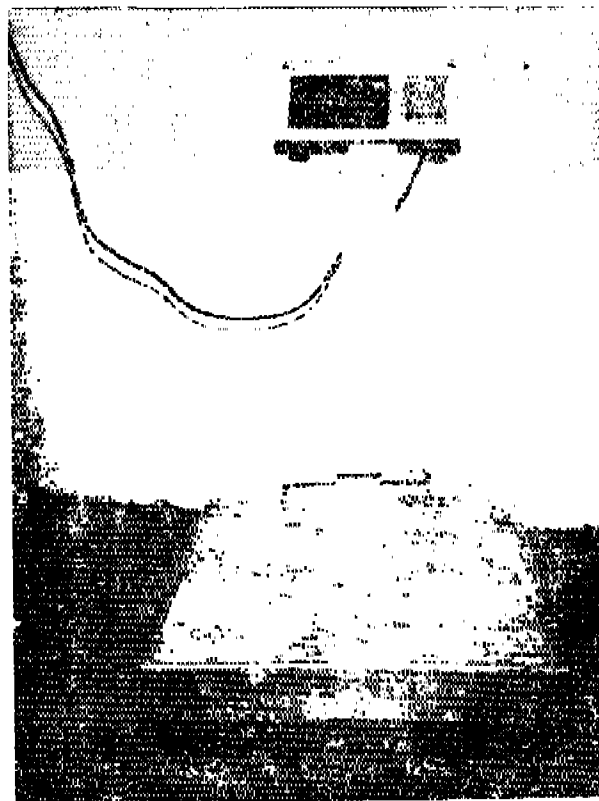
राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 17th March, 1997

S.O. 818.—Whereas, the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976, (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the Certificate of approval of the Model of the self indicating, non-automatic, platform weighing instrument of type ESRP series of class III Medium accuracy with brand name "LEO" (hereinafter referred to as the Model), manufactured by M/s Leotronics Scales Pvt. Ltd., 47, Hide Market Amritsar, and which is assigned the approval mark IND/09/96/41 :

The Model is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 60kg and minimum capacity of 200g. The verification scale interval (e) is 10 gram. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of size 420×520 millimetre. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



(figure)

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 100kg/20g, 200kg/50g, 250kg/50g, 300kg/50g, 500kg/100g, 1000kg/200g and 2000kg/200g, manufactured by the same manufacturer in accordance with the same principle design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21(14)/93]

RAJIV SRIVASTAVA, Jt. Secy.

नई दिल्ली, 17 मार्च, 1997

कां.आ. 819 :—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट (नीचे श्राकृति देखिए) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की श्रवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मध्यम यथार्थता वर्ग III की ई सी एस सिरीज टाइप के और "लियो" ब्रांड नाम वाले स्वतःसूचक गैर-स्वचालित टेबलटाप तोलन उपकरण के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स लियोट्रोनिक्स सिस्टम प्राइवेट लिमिटेड, 47, हाइड मार्केट, अमृतसर द्वारा किया गया है और जिसे अनुमोदन चिह्न आई०एन०डी०/09/96/42 समनुदिष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है ।

माडल (आकृति देखिए) एक मध्यम यथार्थता वर्ग III तोलन उपकरण है जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 20 ग्राम है। सत्यापन मापमान अन्तर (ई) 1 ग्राम है। इसमें एक टेवर युक्ति है जिसका वाकननात्मक प्रतिधारण प्रभाव 100 प्रतिशत है। भारग्राही आयताकार सैक्शन का है जिसका आकार 225×275 मिलीमीटर है। प्रकाश उत्पन्न डायोड संप्रदर्शन तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आकृति

आगे, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उन्ही सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 1 किलोग्राम/100 मिलीग्राम, 2 किलोग्राम/200 मिलीग्राम, 5 किलोग्राम 500 मिलीग्राम और 20 किलोग्राम/2 ग्राम की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरिज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा०सं० डब्ल्यू० एम. 21(14)/93]

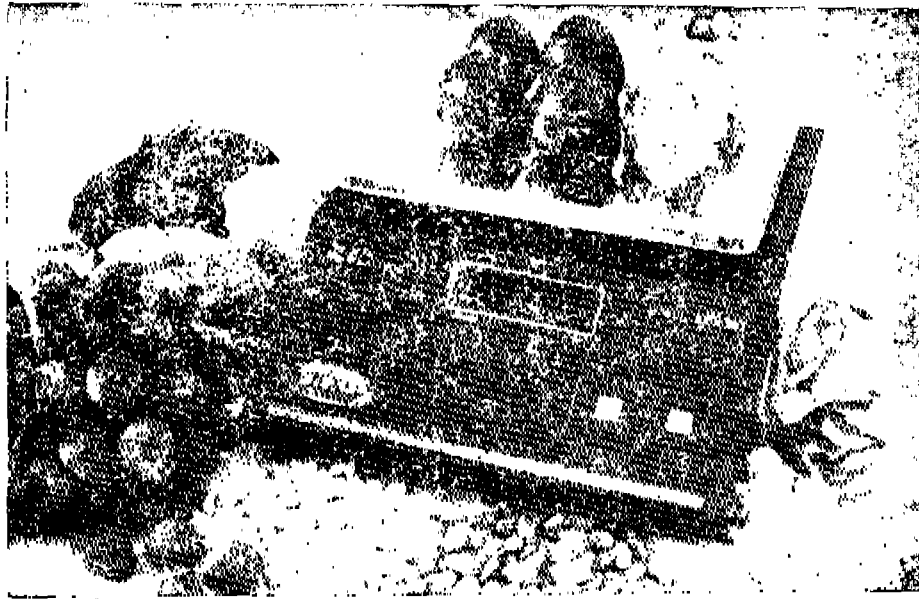
राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 17th March, 1997

S.O. 819.--Whereas, the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below;) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, table top weighing instrument of type ECS series of class III Medium accuracy with brand name "LEO" hereinafter (referred to as the Model), manufactured by M/S Leotronics Scales Pvt. Ltd., 47, Hide Market, Amistar, and which is assigned the approval mark IND 09/96/42v

The Model is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 10kg and minimum capacity of 20g. The verification scale interval (e) is 1 gram. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of size 225X275 millimetre. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



(Figure)

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 1kg/100mg, 2kg/200mg, 5kg/500mg and 20kg/2g manufactured by the same manufacturer in accordance with the same principle, design and with the same material with which, the approved Model has been manufactured.

[File No. WM 21 (14)/93]

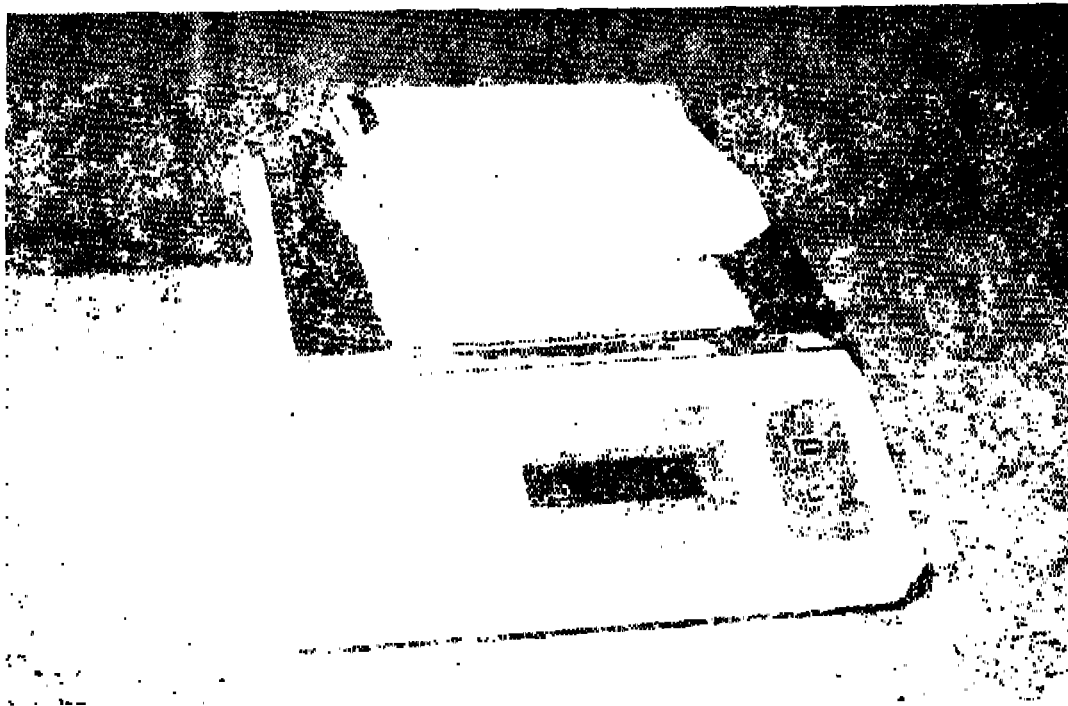
RAJIV SRIVASTAVA, Jt. Secy.

नई दिल्ली, 17 मार्च, 1997

का० आ० 820.— केन्द्रीय सरकार का विहित प्राधिकारी द्वारा निवेदित रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित (नीचे आकृति देखिए) माडल वाट और माप मानक अधिनियम, 1976 (1976 का 60) और वाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः, केन्द्रीय सरकार, की उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उच्च यथार्थता (वर्ग-II) की सी ई मीरीज टाईप के "माइक्रोन" ब्रांड नाम वाले स्वतः सूचक गैर-स्पर्शालित टेबल टॉप तौलन उपकरण के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स काल्टोन स्केल्स, मार्फत ए० के० पाटेल एण्ड कं० जगतनगर सोसाइटी भाग-I द्वितीय मंजिल सामने दिनेश चैम्बरस, टाव नाका इंडिया कालोनी, अहमदाबाद-380024 द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई०एन०डी०/09/96/39 समनुद्दिष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक उच्च यथार्थता (यथार्थता वर्ग II) का मोलन उपकरण है जिसकी अधिकतम क्षमता 5500 ग्राम और न्यूनतम क्षमता 25 ग्राम है। सत्यापन मापमान अंतर (ई) 500 मिलीग्राम है। इसमें एक टेयर युक्त है जिसकी व्याकृततात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारवाही वर्गीकार सेक्शन का है जिसका आकार 250×250 मिलीमीटर है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आकृति

आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी विद्वान डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 550 ग्राम/50 मिलीग्राम, 750 ग्राम/50 मिलीग्राम, 1100 ग्राम/100 मिलीग्राम, और 2200 ग्राम/200 मिलीग्राम, की अधिकतम क्षमता वाले समरूप पैक, यथार्थता और उसी सिरीज को कार्यकरण वाले मोलन उपकरण भी हैं।

[फा.सं० डब्ल्यू० एम० 21 (24)/95]

राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 17th March, 1997

S.O. 820.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic table top weighing instrument of type CE series, of class II High accuracy and with brand name "MICRON" (hereinafter referred to as the Model), manufactured by M/s Caltrod Scales, C/o A.K. Patel & Co, Jagatnagar Society Part I, IInd Floor, Opp Dinesh Chambers, Tall Naka-India Colony, Ahmedabad-380024, and which is assigned the approval mark IND/09/96/39;

The Model is a high accuracy (accuracy class II) weighing instrument with a maximum capacity of 5500g and minimum capacity of 25g. The verification scale interval (e) is 500mg. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of square section of size 250x250 millimetres. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



(Figure)

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 550g/50mg, 750g/50mg, 1100g/100mg and 2200g/200mg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved Model has been manufactured.

कोयला मंत्रालय

अदेश

नई दिल्ली, 10 मार्च, 1997

का० आ० 821.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) कि धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का०आ० 1300, तारीख 25 मई, 1993 के, भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (2), तारीख 12 जून, 1993 में प्रकाशित होने पर, उक्त अधिसूचना में संलग्न अनुसूची में वर्णित भूमि और भूमि में या उस पर के अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विल्लंगनों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे।

और, केन्द्रीय सरकार का यह समाधान हो गया है कि वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का, तो केन्द्रीय सरकार इस निमित्त अधिरोपित, करना उचित, समझे, अनुपालन करने के लिए रजामंद है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर के अधिकार तारीख, 12 जून, 1993 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जाएंगे, अर्थात्:—

- (1) उक्त सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर, व्याज, नुकसानी और वैसी ही सबों की बाबत किये गए सभी संवायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
- (2) उक्त सरकारी कंपनी द्वारा शर्तों (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्य-वाहियों, जैसे अपील आदि की बाबत उपगत सभी व्यय भी, उक्त सरकारी कंपनी वहन करेगी,
- (3) उक्त सरकारी कंपनी, केन्द्रीय सरकार या उसके पदाधिकारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर

के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदाधिकारियों द्वारा या उनके विश्व किन्हीं कार्य-वाहियों के संबंध में आवश्यक हो, सतिपूर्ति करेगी।

- (4) उक्त सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और

- (5) उक्त सरकारी कंपनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिये दिये जाएं या अधिरोपित की जाएं, पालन करेगी।

[फा० सं० 43015/9/89-एल०एस० डब्ल्यू०]

श्रीमती पी०एल० सैनी, अवर सचिव

MINISTRY OF COAL

ORDER

New Delhi, the 10th March, 1997

S.O. 821.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, numbers S.O. 1300, dated the 25th May, 1993 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 12th June, 1993 issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and rights in or over the lands as described in the schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act;

And whereas, the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the said Act, the Central Government hereby directs that the said lands and rights in or over the said lands so vested shall, with effect from the 12th June, 1993 instead of continuing to so vest in the Central Government, vest in the Government Company, subject to the following terms and conditions, namely:—

1. the Government Company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
2. a tribunal shall be constituted for the purpose of determining the amount payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and, similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said lands so vesting shall also be borne by the Government Company;
3. the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting;

4. the Government Company shall have no power to transfer lands and rights in or over the said lands so vested to any other person without the previous approval of the Central Government; and

the Central Government for particular areas of the said lands as and when necessary.

5. the Government Company shall abide by such directions and conditions as may be given or imposed by

[F. No. 43015/9/89-LSW]

Mrs. P. L. SAINI, Under Secy.

नई दिल्ली, 10 मार्च, 1997

का०आ० 822 :—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का. 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) के अधीन जारी की गई और भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 16 मार्च, 1996 में पृष्ठ 890 से 892 पर प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का०आ० सं० 783 तारीख 22 फरवरी, 1996 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परीक्षेत्र की भूमि में जिसका माप 480.760 हेक्टर (लगभग) या 1188.006 एकड़ (लगभग) है, कोयले का पूर्णक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित उक्त भूमि के भाग में कोयला अभिप्राप्य है.

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित भूमि के अर्जन करने के अपने आशय की सूचना देती है :—

(क) इससे संलग्न अनुसूची "क" में वर्णित 4.392 हेक्टर (लगभग) या 10.853 एकड़ (लगभग) माप वाली भूमि में या उन पर के सभी अधिकार,

(ख) इससे संलग्न अनुसूची "ख" में वर्णित 461.494 हेक्टर (लगभग) या 1140.397 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान करने, बोर करने खुदाई करने और तलाश करने, प्राप्त करने, उन पर कार्य करने और खनिजों को ले जाने के सभी अधिकार,

टिप्पण-1 इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं० सी-1(ई) III/जी०आर०/612-0996, तारीख 10 सितम्बर, 1996 का निरीक्षण कलक्टर, छिदवाड़ा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, कार्जसिल हाउस स्ट्रीट, कलकत्ता-700001 के कार्यालय में या वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोलस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

टिप्पण-2 कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का. 20) की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है,

"8" अर्जन की बाबत आपत्तियां—

(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण:—इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करनी चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या उसे धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में आपत्तियों पर अपनी सिफारिशों और उनके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

टिप्पण-3 केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता-700001 को अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची "क"

नेहरिया ब्लाक

पंच क्षेत्र

जिला—छिदवाड़ा (मध्य प्रदेश)

रेखांक सं० सी-1 (ई) III/जी०आर०/612-0996 तारीख 10 सितम्बर, 1996

सभी अधिकार

क्रम सं०	ग्राम का नाम	पटवारी सर्किल सं०	सेटलमेंट सं०	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पण
1.	नेहरिया	18	303	परसिया	छिदवाड़ा	4.392 भाग	
कुल क्षेत्र 4.392 हेक्टर (लगभग)							या
							10.853 एकड़ (लगभग)

ग्राम नेहरिया में अर्जित किए जाने वाले प्लॉट सं० :

156, 157/1, 157/2, 157/3, 158, 162/1 भाग, 162/2 भाग, 218, 221 भाग।

सीमा वर्णन :

ध-ड-ध-छ : रेखा "ध" बिन्दु से आरम्भ होती है और प्लॉट सं० 221, 157/1-157/2, 157/3, 156, 157/1-157/2, 162/1-162/2 की बाहरी सीमा के साथ-साथ नेहरिया ग्राम से होकर गुजरती है और बिन्दु "छ" पर मिलती है।

छ-ज-ध : रेखा प्लॉट सं० 162/2 में नेहरिया ग्राम में होकर गुजरती है। उसके पश्चात् प्लॉट सं० 162/1 में प्लॉट सं० 162/1 की बाहरी सीमा के साथ-साथ चलती है। उसके बाद प्लॉट सं० 157/1-157/2, 158, 218, 221 की बाहरी सीमा के साथ-साथ गुजरती है, प्लॉट सं० 221 में जाती है और आरम्भिक बिन्दु "ध" पर मिलती है।

अनुसूची "ख"

नेहरिया ब्लाक

पंच क्षेत्र

जिला—छिदवाड़ा (मध्य प्रदेश)

रेखांक सं० सी 1 (ई) III/जी०आर०/612-0996

तारीख : 10 सितम्बर, 1996

खनन अधिकार

क्रम सं०	ग्राम का नाम	बन का नाम	बन कम्पाईमेंट सं०	पटवारी सर्किल सं०	सेटलमेंट सं०	तहसील	जिला	क्षेत्र हेक्टर	टिप्पण
1.	नेहरिया	—	—	18	303	परसिया	छिदवाड़ा	198.931	भाग
2.	—	नेहरिया सरकारी (परसिया रंग)	740	—	—	परसिया	छिदवाड़ा	262.563	भाग

कुल क्षेत्र 461.494 हेक्टर (लगभग)

या 1140.397 एकड़ (लगभग)

ग्राम नेहरिया में अर्जित किए जाने वाले प्लॉट सं० :

1 से 14, 15/1, 15/2, 16, 17, 18/1, 18/2, 19/1, 19/2, 19/3, 19/4, 19/5, 20 से 33, 34/1, 34/2, 35, 36, 37/1, 37/2, 37/3, 37/4, 38, 39/1, 39/2, 39/3, 39/4, 39/5, 40/1, 40/2, 40/3, 40/4, 41 से 43, 44/1, 44/2, 45 से 55, 56/1-56/2-56/3, 57 से 59, 60/1, 60/2, 61, 62/1, 62/2, 63/1, 63/2, 64/1, 64/2, 65 से 67, 68/1, 68/2, 68/3, 68/4, 69/1, 69/2, 69/3, 69/4, 69/5, 69/6, 70 से 75, 76/1, 76/2, 77, 78/1, 78/2, 78/3, 78/4, 79 से 82, 83 भाग प्लॉट, 84 से 100, 101/1, 102/2, 101/3, 101 से 104, 105/1, 105/2, 106, 107, 108/1, 108/2, 109 से 112, 113/1, 113/2, 113/3, 114, 115/1, 115/2, 116 से 121, 122/1, 122/2, 123, 124, 125/1, 125/2, 126 से 136, 137/1, 137/2, 138 से 144, 145/1, 145/2, 146, 147/1, 147/2, 148 से 155, 159, 160 भाग, 161 भाग, 162/1 भाग, 162/2 भाग, 163 से 178, 179/1-179/2, 180 से 186, 187/1, 187/2, 187/3, 188, 189, 190/1, 190/2, 191 से 197, 198/1, 198/2, 199/1, 199/2, 199/3, 199/4, 200 भाग, 201 भाग, 202, 203/1, 203/2, 204 से 206, 207 भाग, 209, 215/1 भाग, 215/2, 219 भाग, 220 भाग ।

नेहरिया सरकारी वन (परासिया रेंज) कम्पाटमेंट से अर्जित किए जाने वाले प्लॉट सं० 740 भाग

सीमा वर्णन

- क-ख रेखा बिन्दु "क" में आरम्भ होती है और गुनौर नदी के मध्य के साथ-साथ नेहरिया और अर्धन नेहरिया और जमुनिया ग्रामों, नेहरिया सरकारी टन (परासिया रेंज), कम्पाटमेंट सं० 740 और जनिया ग्राम की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "ख" पर मिलती है ।
- ख-ग रेखा वन कम्पाटमेंट सं० 739 और नेहरिया सरकारी वन (परासिया रेंज) कम्पाटमेंट सं० 740 की सम्मिलित सीमा के साथ-साथ गुजरती है उसके पश्चात् नेहरिया सरकारी वन (परासिया रेंज) कम्पाटमेंट सं० 740 से होकर जाती है और बिन्दु "ग" पर मिलती है ।
- ग-घ रेखा नेहरिया सरकारी वन (परासिया रेंज) कम्पाटमेंट सं० 740 से गुजरती है । उसके पश्चात् प्लॉट सं० 220 प्में ग्राम नेहरिया से होकर गुजरती है और बिन्दु "घ" पर मिलती है ।
- घ-ङ रेखा प्लॉट सं० 220 की बाहरी सीमा के साथ-साथ चलती हुई नेहरिया ग्राम से गुजरती है उसके पश्चात् नेहरिया सरकारी वन (परासिया रेंज) कम्पाटमेंट सं० 740 और ग्राम नेहरिया की सम्मिलित सीमा के साथ-साथ चलती है और बिन्दु "ङ" पर मिलती है ।
- ङ-च-छ-ज रेखा नेहरिया ग्राम से होकर प्लॉट सं० 155, 165 की बाहरी सीमा के साथ-साथ प्लॉट सं० 162/2 में से गुजरती है । उसके पश्चात् प्लॉट सं० 162/1 में प्लॉट सं० 162/2 की बाहरी सीमा के साथ-साथ चलती है और प्लॉट सं० 157, 161 की बाहरी सीमा के साथ-साथ चलती है प्लॉट सं० 219 से गुजरती है और बिन्दु "ज" पर मिलती है ।
- ज-झ रेखा प्लॉट सं० 219, 161, 160, 161, 200, 207, 215/1 में ग्राम नेहरिया से होकर गुजरती है और बिन्दु "झ" पर मिलती है ।
- झ-क रेखा प्लॉट सं० 215/1, 201 में नेहरिया ग्राम से होकर गुजरती है, गुनौर नदी पार करती है । उसके पश्चात् नेहरिया ग्राम और वन कम्पाटमेंट सं० 734 की सम्मिलित सीमा के साथ-साथ चलती है और गुनौर नदी के मध्य से जाती है और आरम्भक बिन्दु "क" पर मिलती है ।

New Delhi, the 10th March, 1997

S.O. 822.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 783, dated the 22nd February, 1996, issued under sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act) and published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 16th March, 1996 at pages 890 to 892, the Central Government gave notice of its intention to prospect for coal in 480.760 hectares (approximately) or 1188.006 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And, whereas the Central Government is satisfied that coal is obtainable in a part of the said lands described in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire—

- (a) all rights in or over the lands measuring 4.392 hectares (approximately) or 10.853 acres (approximately) described in Schedule 'A' appended hereto;
- (b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 461.494 hectares (approximately) or 1140.397 acres (approximately) described in Schedule 'B' appended hereto;

Note 1: The plan bearing No. C-I(E)III/GR/612-0996 dated the 10th September, 1996 of the area covered by this notification may be inspected in the Office of the Collector, Chhindwara (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700001 or in the Office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra).

Note 2: Attention is hereby invited to the provisions of Section 8 of the aforesaid Act which provides as follows;

8. Objection to acquisition.—(1) Any person interested in any land in respect of which a notification under Section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation.—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.

Note 3: The Coal Controller, 1, Council House Street, Calcutta-700001, has been appointed by the Central Government as the competent authority under the Act.

SCHEDULE 'A'

Neheria Block

Pench Area

District Chhindwara (Madhya Pradesh)

Plan No. C-I(E)III/GR/612-0996 dated the 10th September, 1996.

All Rights

Serial	Name of village	Patwari circle number	Settlement number	Tehsil	District	Area in hectares	Remarks
1.	Neheria	18	303	Parasia	Chhindwara	4.392	Part
Total area:						4.392 hectares (approximately)	
						or,	
						10.853 acres (approximately)	

Plot numbers to be acquired in village Neheria;

156, 157/1-157/2, 157/3, 158, 162/1 Part, 162/2 Part, 218, 221 Part.

Boundary description;

D—E—F—G—

Line starts from point 'D' and passes through village Neheria along the outer boundary of plot numbers 221, 157/1-157/2, 157/3, 156, 157/1-157/2, 162/1, 162/2 and meets at point "G".

G—H—D

Line passes through village Neheria in plot number 162/2, then proceeds along the outer boundary of plot numbers 162/1, in plot number 162/1 then passes along the outer boundary of plot numbers 157/1-157/2, 158, 218, 221 and in plot number 221 and meets at starting point 'D'.

SCHEDULE 'B'

Neheria Block

Pench Area

District Chhindwara (Madhya Pradesh)

Plan No. C-I(E)III/GR/612-0996 dated the 10th September, 1996.

Mining Rights

Sl. No.	Name of village	Name of forest	Forest compartment No.	Patwari circle No.	Settlement No.	Tahsil	District	Area in hectares	Remarks
1.	Neheria	—	—	18	303	Parasia	Chhindwara	198.931	Part
2.	—	Neheria Government Forest (Parasia Range)	740	—	—	Parasia	Chhindwara	262.563	Part
Total area ; 461.494 hectares (approximately) or 1140.397 acres (approximately)									

Plot numbers to be acquired in village Neheria :

1 to 14, 15/1, 15/2, 16, 17, 18/1, 18/2, 19/1, 19/2, 19/3, 19/4, 19/5, 20 to 33, 34/1, 34/2, 35, 36, 37/1, 37/2, 37/3, 37/4, 38, 39/1, 39/2, 39/3, 39/4, 39/5, 40/1, 40/2, 40/3, 40/4, 41 to 43, 44/1, 44/2, 45 to 55, 56/1-56/2-56/3, 57 to 59, 60/1, 60/2, 61, 62/1, 62/2, 63/1, 63/2, 64/1, 64/2, 65 to 67, 68/1, 68/2, 68/3, 68/4, 69/1, 69/2, 69/3, 69/4, 69/5, 69/6, 70 to 75, 76/1, 76/2, 77, 78/1, 78/2, 78/3, 78/4, 79 to 82, 83 Part, 84 to 100, 101/1, 101/2, 101/3, 102 to 104, 105/1, 105/2, 106, 107, 108/1, 108/2, 109 to 112, 113/1, 113/2, 113/3, 114, 115/1, 115/2, 116 to 121, 122/1, 122/2, 123, 124, 125/1-125/2, 126 to 136, 137/1-137/2, 138 to 144, 145/1, 145/2, 146, 147/1-147/2, 148 to 155, 159, 160 Part, 161 Part, 162/1, Part, 162/2 part 163 to 178, 179/1-179/2, 180 to 186, 187/1, 187/2, 187/3, 188, 189, 190/1, 190/2, 191 to 197, 198/1, 198/2, 199/1, 199/2, 199/3, 199/4, 200 Part, 201 Part, 202, 203/1, 203/2, 204 to 206, 207 Part, 209, 215/1 Part, 215/2, 219 Part, 220 Part.

Compartment number of Neheria Government Forest (Parasia Range) to be acquired :
740 Part.

Boundary description;

- A—B : Line starts from point 'A' and passes along the centre of Gunor river, along the common boundary of villages Neheria and Urdhan, Neheria and Jamunia, Neheria Government Forest (Parasia Range), compartment number 740 and village Jamunia and meets at point 'B'.
- B—C : Line passes along the common boundary of Forest Compartment number 739 and Neheria Government Forest (Parasia Range) Compartment number 740, then proceeds through Neheria Government Forest (Parasia Range) Compartment number 740 and meets at point 'C'.
- C—D : Line passes through Neheria Government Forest (Parasia Range), Compartment number 740, then proceeds through village Neheria in plot number 220 and meets at point 'D'.
- D—E : Line passes through village Neheria along the outer boundary of plot number 220, the proceeds through the common boundary of Neheria Government Forest (Parasia Range) Compartment number 740 and village Neheria and meets at point 'E'.
- EF—G—H : Line passes through village Neheria along the outer boundary of plot numbers 155, 165 in plot number 162/2, then passes along the outer boundary of plot number 162/2, in plot number 162/1, and proceeds along the outer boundary of plot numbers 159, 161, in plot number 219 and meets at point 'H'.

- H—L : Line passes through village Neheria in plot numbers 219, 161, 160, 161, 200, 207, 215/1 and meets at point 'I'.
- 1—A : Line passes through village Neheria in plot numbers 215/1, 201, crosses Gunor river, then proceeds along the common boundary of Neheria village and Forest Compartment number 734 and passes along the centre of Gunor river and meets at starting point 'A'.

[No. 43015/18/95-LSW]

Mrs. P.L. SAINI, Under Secy.

नई दिल्ली, 10 मार्च, 1997

का०आ०.823. :—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपायुक्त अनुसूची में उल्लिखित परिक्षेत्र की भूमि में कोयला अभिप्राप्त किए जाने की संभावना है।

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदान शक्तियों का प्रयोग करते हुए, उसमें कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र की रेखांक सं० राजस्व/36/96, तारीख 31 जुलाई, 1996 का निरीक्षण नार्दन कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) सिंगरौली के कार्यालय में या कलक्टर, सीधी (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमियों में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को, इस अधिसूचना के भारत के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व), नार्दन कोलफील्ड्स लिमिटेड, सिंगरौली को परिदत्त करेंगे।

अनुसूची

दुधिचुआ खंड विस्तार

नार्दन कोलफील्ड्स लिमिटेड

सिंगरौली

जिला : सीधी (मध्य प्रदेश)

पूर्वेक्षण के लिए अधिसूचित भूमि

क्रम सं०	ग्राम का नाम	तहसील	जिला	क्षेत्र (लगभग) (एकड़) टिप्पणियां
1.	मघौली	सिंगरौली	सीधी (म०प्र०)	279.00 भाग
				कुल क्षेत्र : 279.00 एकड़ (लगभग) या 120.194 हेक्टेयर (लगभग)

रीमादर्शन :

- क—ख : रेखा बिन्दु "क" से प्रारंभ होती है और ग्राम मघौली से होकर जाती है तथा बिन्दु "ख" पर मिलती है।
- ख—ग : रेखा बिन्दु "ख" से प्रारंभ होती है और ग्राम मघौली से होकर जाती है तथा बिन्दु "ग" पर मिलती है।
- ग—घ : रेखा बिन्दु "ग" से प्रारंभ होती है और ग्राम मघौली से होकर जाती है तथा बिन्दु "घ" पर मिलती है।
- घ—ङ : रेखा बिन्दु "घ" से आरंभ होती है और मघौली तथा दुधिचुआ ग्रामों की सम्मिलित सीमा से होकर जाती है बिन्दु "ङ" पर मिलती है।

- ड-च : रेखा बिन्दु "ड" से आरंभ होती है और मधौली तथा दुधिचुआ ग्रामों की सम्मिलित सीमा से होकर जाती है और बिन्दु "च" पर मिलती है ।
- च-छ : रेखा बिन्दु "च" से आरंभ होती है और ग्राम मधौली से होकर जाती है तथा बिन्दु "छ" पर मिलती है ।
- छ-ज : रेखा बिन्दु "छ" से आरंभ होती है और ग्राम मधौली से होकर जाती है तथा बिन्दु "ज" पर मिलती है ।
- ज-झ : रेखा बिन्दु "ज" से आरंभ होती है और ग्राम मधौली से होकर जाती है और बिन्दु "झ" पर मिलती है ।
- झ-क : रेखा बिन्दु "झ" से आरंभ होती है और ग्राम मधौली से होकर जाती है तथा आरंभक बिन्दु "क" पर मिलती है

[फा०सं० 43015/12/96-एल०डब्ल्यू०]

श्रीमती पी०एल० सैनी, अवर सविष

New Delhi, the 10th March, 1997

S.O. 823.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing number Rev/36/96, dated the 31st July, 1996 of the area covered by this notification can be inspected in the office of the Northern Coalfields Limited (Revenue Section), Singrauli or in the office of the Collector, Sidhi (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Northern Coalfields Limited, Singrauli within 90 days from the date of the publication of this notification in the Gazette of India.

SCHEDULE

**DHUDHICHUA BLOCK EXTENSION
NORTHERN COALFIELDS LIMITED
SINGRAULI
DISTRICT SIDHI (MADHYA PRADESH)**

Land notified for prospecting:

Serial Number	Name of village	Tahsil	District	Area (approx) (acres)	Remarks
1.	Medhauli	Singrauli	Sidhi (MP)	297.00	Part
Total area : 297.00 acres (approximately)					or
120.194 hectares (approximately)					

Boundary description:

- A—B Line starts from point 'A' and passes through village Medhauli and meets at point 'B'.
- B—C Line starts from point 'B' and passes through village Medhauli and meets at point 'C'.
- C—D Line starts from point 'C' and passes through village Medhauli and meets at point 'D'.
- D—E Line starts from point 'D' and passes through common boundary of village Medhauli and Dudhichua and meets at point 'E'.
- E—F Line starts from point 'E' and passes through common boundary of village Medhauli & Dhudhichua and meets at point 'F'.

F—G	Line starts from point 'F' and passes through village Medhauri and meets at point 'G'.
G—H	Line starts from point 'G' and passes through village Medhauri and meets at point 'H'.
H—I	Line starts from point 'H' and passes through village Medhauri and meets at point 'I'.
I—A	Line starts from point 'I' and passes through village Medhauri and meets at starting point 'A'.

[File No. 43015/12/96-LW]

Mrs. P.L. SAINI, Under Secy.

नई दिल्ली, 10 मार्च, 1997

का०आ०. 824. :—केन्द्रीय सरकार को यह प्रतीत होता है कि इसमें उगाबड़ अनुसूची में उल्लिखित भूमि में कोयला अभि-
प्राप्त किए जाने की संभावना है ।

अतः अब केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) जिसे इसमें
इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस क्षेत्र में
कोयले का पूर्वेक्षण करने के अपन आणय की सूचना देती है,

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक संख्यांक ईसीएल/आर जेएमएल/सीजीएम/रेखांक सं० 1 तारीख 2-9-96
का निरीक्षण उपायुक्त, जिला गोडा (बिहार) के कार्यालय में या कोयला निदेशक, 1, कॉर्पोरेट हाउस स्ट्रीट कलकत्ता के कार्यालय
में या निदेशक, (तकनीकी) ईस्टर्न कोयफील्ड्स लि० सेक्टरिया, पोस्ट आफिस दिशेरगढ़, जिला बर्दवान (प० बंगाल) के कार्यालय
में किया जा सकता है ।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितवद्ध कोई व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में
निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के भारत के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के
भातर निदेशक (तकनीकी) ईस्टर्न कोयफील्ड्स लि०, सेक्टरिया, डाकघर दिशेरगढ़, जिला बर्दवान (प० बंगाल) को भेजेंगे ।

अनुसूची

राजमहल कोयला क्षेत्र

जिला—गोडा (बिहार)

रेखांक सं० : ईसीएल/आरजेएमएल/सीजीएम/
रेखांक सं० 1 तारीख : 2-9-96

सभी अधिकार ब्लॉक सं० 1 (पूर्वेक्षण के लिए अधिसूचित भूमि दर्शाते हुए)

क्रमसं. मौजा/ग्राम का नाम	थाना सं०	पुलिस स्टेशन	जिला	क्षेत्र (एकड़ में)	टिप्पण
1. पहाड़पुर	32	बी०एस० मिमरा सं० 11	गोडा	177.37 भाग	
2. डुमरिया	01	बी०एस० मिमरा सं० 11	गोडा	15.32 भाग	
3. हाराजोरे	13	मिमरा	गोडा	112.10 भाग	
4. पंचखुर्ची	14	मिमरा	गोडा	74.61 भाग	
5. रंगमटिया	15	मिमरा	गोडा	130.75 भाग	
6. छोटा खैरवानी	16	मिमरा	गोडा	256.30 भाग	

कुल 766.45 एकड़ (लगभग)

या

310.30 हेक्टर (लगभग)

सीमा वर्णन

- क-1-क-2 रेखा मौजा पहाड़पुर सं० 32 के प्लॉट सं० 14 से आरंभ होनी है, उसी प्लॉट से होकर गुजरती है और रेखांक में यथानिरूपित बिन्दु क-2 पर मिलती है।
- क-2-क-3 रेखा मौजा पहाड़पुर सं० 32 के प्लॉट सं० 14 से होकर गुजरती है और रेखांक में यथा निरूपित बिन्दु क-3 पर मिलती है।
- क-3-क-4 रेखा मौजा पहाड़पुर सं० 32 और छोटा खेरबानी सं० 16 की संयुक्त सीमा रेखा के साथ-साथ चलती है और मौजा छोटा खेरबानी के प्लॉट सं० 1 और 29 की रेखा से होकर गुजरती है, प्लॉट सं० 29 की दक्षिण रेखा, प्लॉट सं० 30 की पश्चिम रेखा के साथ-साथ चलती है और प्लॉट सं० 30 और 47 से होकर गुजरती है तथा रेखांक में यथा निरूपित बिन्दु क-4 पर मिलती है।
- क-4-क-5 रेखा मौजा छोटा खेरबानी सं० 16 और पिथाराम सं० 34 की संयुक्त सीमा रेखा के साथ-साथ चलती है तथा मौजा छोटा खेरबानी सं० 16, पिथाराम सं० 34 और रेखांक में यथानिरूपित रंगमाटीया सं० 15 पर मिलती है।
- क-5-क-6 रेखा मौजा रंगमाटीया सं० 15 और हाहाजोर सं० 13 की संयुक्त सीमा रेखा के साथ-साथ चलती है तथा रेखांक में यथानिरूपित बिन्दु क-6 पर मिलती है।
- क-6-क-7 रेखा मौजा हाहाजोर सं० 13 के क-8 प्लॉट सं० 74 के उत्तर और पश्चिम के साथ-साथ चलती है तथा रेखांक में यथानिरूपित बिन्दु "क-8" पर मिलती है।
- क-8-क-9 रेखा मौजा हाहाजोर सं० 13 के प्लॉट सं० 74 की पश्चिम रेखा के साथ-साथ चलती है और रेखांक में यथानिरूपित बिन्दु "क-9" पर मिलती है।
- क-9-क-10 रेखा प्लॉट सं० 74 के उत्तर के साथ-साथ चलती है और मौजा हाहाजोर के प्लॉट सं० 60, 64 से होकर गुजरती है तथा रेखांक में यथानिरूपित बिन्दु "क-10" पर मिलती है।
- क-10-क-11 रेखा प्लॉट सं० 66 की दक्षिण रेखा प्लॉट सं० 55 की उत्तर-पश्चिम रेखा प्लॉट सं० 73 की पूर्व और दक्षिण रेखा के साथ-साथ चलती है और रेखांक में यथानिरूपित बिन्दु क-11 पर मिलती है।
- क-11-क-12 रेखा मौजा हाहाजोर सं० 13 के प्लॉट सं० 73 की पूर्व और उत्तर रेखा के साथ-साथ चलती है तथा प्लॉट सं० 73, 16, 13 की रेखा के साथ-साथ चलती है तथा मौजा रंगमाटीया सं० 15 तथा हाहाजोर सं० 13 की संयुक्त सीमा रेखा के साथ-साथ चलती है तथा रेखांक में यथानिरूपित बिन्दु "क-12" पर मिलती है।
- क-12-क-13 रेखा मौजा हाहाजोर सं० 13 के प्लॉट सं० 73 की पश्चिम रेखा के साथ-साथ चलती है तथा रेखांक में यथा निरूपित बिन्दु "क-13" पर मिलती है।
- क-13-क-14 रेखा मौजा हाहाजोर सं० 13 के प्लॉट सं० 73 की उत्तर रेखा के साथ-साथ चलती है, मौजा हाहाजोर सं० 13 और मौजा डुमरिया सं० 1 की संयुक्त सीमा रेखा के साथ-साथ चलती है, मौजा जडुमरिया सं० 1 के प्लॉट सं० 1227 की उत्तर सीमा के साथ-साथ चलती है और रेखांक में यथानिरूपित बिन्दु "क-14" पर मिलती है।
- क-14-क-15 रेखा मौजा डुमरिया सं० 1 के प्लॉट सं० 1227 से होकर गुजरती है और रेखांक में यथानिरूपित बिन्दु क-15 पर मिलती है।
- क-15-क-16-क-17 रेखा मौजा डुमरिया सं० 1 के प्लॉट सं० 1191 की उत्तर रेखा से होकर गुजरती है प्लॉट सं० 1192, 1193 की उत्तर और पश्चिम रेखा के साथ-साथ चलती है, प्लॉट सं० 1196, 1197 की पश्चिम रेखा से होकर गुजरती है, प्लॉट सं० 1199, 1200, 1201, 1202, 1203, 1106, 1107 के उत्तर की ओर से जाती है प्लॉट सं० 1109 के पूर्व की ओर से जाती है प्लॉट सं० 1147 के पूर्व के साथ साथ चलते हुए प्लॉट सं० 732 की रेखा से होकर गुजरती है। प्लॉट सं० 1148 की दक्षिण और पूर्व रेखा के साथ-साथ चलती है। पुनः दक्षिण और पूर्व रेखा के साथ-साथ चलती है तथा रेखांक में यथानिरूपित बिन्दु "क-17" पर मिलती है।

- क-17—क-18 रेखा मौजा डुमरिया सं० 1 के प्लॉट सं० 1178 से होकर गुजरती है और रेखांक में यथानिर्दिष्ट बिन्दु "क-18" पर मिलती है ।
- क-18—क-19 रेखा मौजा डुमरिया सं० 1 और पंचरुखी सं० 14 की संयुक्त सीमा के साथ-साथ चलती है । मौजा पंचरुखी सं० 13 के प्लॉट सं० 282 के पश्चिम, दक्षिण की ओर साथ-साथ चलती है तथा रेखांक में यथा निर्दिष्ट बिन्दु "क-19" पर मिलती है ।
- 19—क-20 रेखा मौजा पंचरुखी सं० 14 के प्लॉट सं० 282 के पश्चिम की ओर साथ-साथ चलती है और प्लॉट सं० 282 की उत्तर और पश्चिम रेखा के साथ-साथ चलती है तथा रेखांक में यथानिर्दिष्ट "क-20" पर मिलती है ।
- 20—क-21—क-22 रेखा मौजा पंचरुखी के प्लॉट सं० 282 की पूर्व और उत्तर रेखा के साथ-साथ चलती है, प्लॉट सं० 326 की पश्चिम उत्तर रेखा से होकर गुजरती है तथा रेखांक में यथानिर्दिष्ट बिन्दु "क-22" पर मिलती है ।
- 22—क-23 रेखा मौजा पंचरुखी सं० 14 और पहाड़पुर सं० 32 की संयुक्त सीमा रेखा के साथ-साथ चलती है, मौजा पंचरुखी के प्लॉट सं० 316 की उत्तर रेखा से होकर गुजरती है, फिर प्लॉट सं० 308, 307, 305 की पूर्व और उत्तर रेखा के साथ-साथ चलती है, फिर प्लॉट सं० 303, 304 की रेखा से होकर गुजरती है, फिर प्लॉट सं० 299 की पूर्व रेखा से होकर गुजरती है, फिर प्लॉट सं० 301 के दक्षिण-पूर्व और उत्तर रेखा से होकर गुजरती है, प्लॉट सं० 300 की उत्तर रेखा के साथ-साथ चलती है और रेखांक में यथानिर्दिष्ट बिन्दु "क-23" पर मिलती है ।
- 23—क-24—क-25 रेखा मौजा पंचरुखी के प्लॉट सं० 300, 299, 304, 297 की पश्चिम रेखा के साथ-साथ चलती है प्लॉट सं० 296, 295 के उत्तर की ओर से जाती है, फिर प्लॉट सं० 264, 261 की पश्चिम रेखा के साथ-साथ चलती है, फिर प्लॉट सं० 256 की पश्चिम उत्तर रेखा के साथ-साथ चलती है, फिर प्लॉट सं० 255, 250 की पश्चिम रेखा के साथ-साथ चलती है और रेखांक में यथा निर्दिष्ट बिन्दु "क-25" पर मिलती है ।
- क-25—क-26 रेखा मौजा पहाड़पुर सं० 32 पंचरुखी सं० 14 की संयुक्त सीमा रेखा के साथ-साथ चलती है । फिर मौजा पंचरुखी सं० 14 के प्लॉट सं० 250, 248, 143 की उत्तर रेखा के साथ-साथ चलती है, प्लॉट सं० 142 के पूर्व और उत्तर रेखा के साथ-साथ चलती है । प्लॉट सं० 140 की पूर्व रेखा के साथ-साथ चलती है, प्लॉट सं० 135 की पूर्व और उत्तर रेखा से होकर गुजरती है प्लॉट सं० 134 की उत्तर और पश्चिम रेखा के साथ-साथ चलती है । प्लॉट सं० 133 की पश्चिम रेखा प्लॉट सं० 128 की उत्तर रेखा के साथ-साथ चलती है । प्लॉट सं० 121 के पूर्व, उत्तर और पश्चिम की ओर साथ-साथ चलती है, प्लॉट सं० 123 की पूर्व रेखा, प्लॉट सं० 124 की पूर्व उत्तर और पश्चिम रेखा के साथ-साथ चलती है प्लॉट सं० 125, 126 की पूर्व रेखा के साथ-साथ चलती है और रेखांक में यथानिर्दिष्ट बिन्दु "क-26" पर मिलती है ।
- क-26—क-1 रेखा मौजा पहाड़पुर सं० 32 के प्लॉट सं० 14 से होकर गुजरती है और रेखांक में यथानिर्दिष्ट आरंभिक बिन्दु क-1 पर मिलती है ।

[फा० सं० 43015/15/96-एल० एस० डब्ल्यू०]

श्रीमती पी० एल० सैनी, अवर सचिव

New Delhi, the 10th March, 1997

S.O. 824.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed ;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. ECL/RJML/CGM PLAN No. 1 dated 2nd September, 1996 of the area covered by this notification

can be inspected in the office of the Deputy Commissioner, District Godda (Bihar) or in the office of the Coal Controller, 1. Council House Street, Calcutta, or in the office of the Director (Technical), Eastern Coalfields Limited, Sanctoria, Port Office Dishergarh, District Burdwan (West Bengal).

Any person interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in Sub-section (7) of Section 13 of the said Act, to the Director (Technical), Eastern Coalfields Limited, Sanctoria, Post Office Dishergarh, District Burdwan (West Bengal) within ninety days from the date of the publication of this notification in the Gazette of India.

SCHEDULE

RAJMAHAL COALFIELDS

DISTRICT GODDA (BIHAR)

Drawing No. ECL/RJML/CGM/PLAN No. 1

Dated : 2nd September, 1996

All Rights

Block No. 1 (Showing lands notified for prospecting)

Serial number	Name of Mouza/ village	Thana	Police Station	District	Area (in acres)	Remarks
01.	Paharpur	32	B.S. Simra No. II	Godda	177.37	Part
02.	Dumaria	01	B.S. Simra No. II	Godda	15.32	Part
03.	Hahajore	13	B.S. Simra No. II	Godda	112.10	Part
04.	Pachrukhi	14	B.S. Simra No. II	Godda	74.61	Part
05.	Rangamatia	15	B.S. Simra No. II	Godda	130.75	Part
06.	Chhota Khairbani	16	B.S. Simra No. II	Godda	256.30	Part

Total : 766.45 acres (approximately)

or

310.30 hectares (approximately)

Boundary description :

A1—A2	Line starts from plot No. 14 of mouza Paharpur No. 32, passes through the same plot and meets at point 'A2' as delineated on the plan.
A2—A3	Line passes through plot No. 14 of mouza Paharpur No. 32 and meets at point 'A3' as delineated of plan.
A3—A4	Line passes alongwith joint boundary line of mouza Paharpur No. 32 and Chhota Khairbani No. 16 and passes through line of Plot No. 1, 29 of mouza Chhota Khairbani, south line of plot No. 29, west line of plot No. 30 and passes through plot No. 30, 47 and meets at point 'A4' as delineated of plan.
A4—A5	Line passes alongwith joint boundary line of mouza Chhota Khairbani No. 16 and Piyaram No. 34 and meets at point 'A5' on joint boundary line of mouza Chhota Khairbani No. 16 Piyaram No. 34 and Rangamatia No. 15 as delineated of plan.
A5—A6	Line passes alongwith joint boundary line of mouza Rangamatia No. 15 and Hahajore No. 13 and meets at point 'A6' as delineated on plan.
A6—A7—A8	Line passes alongwith north and west of plot No. 74 of mouza Hahajore No. 13 and meet at point 'A8' as delineated on plan.
A8—A9	Line passes alongwith west line of plot No. 74 of mouza Hahajore No. 13 and meets at point 'A9' as delineated on plan.
A9—A10	Line passes alongwith north of plot No. 74 and passes through plot No. 60, 64 of mouza Hahajore and meets at point 'A10' as delineated on plan.
A10—A11	Line passes through south line of plot No. 66, north and west line of plot No. 56, East and South line plot No. 73 and meets at point 'A11' as delineated on plan.
A11—A12	Line passes along with east and north line of plot No. 73 of mouza Hahajore No. 13 and passes through the line of plot No. 73, 16, 13 and passes along with the joint boundary line of mouza Rangamatia No. 15 and Hahajore No. 13, meets at point 'A12' as delineated on plan.

- A12—A13 Line passes along with west line of plot No. 73 of mouza Hahajor No. 13 and meets at point 'A13' as delineated on plan.
- A13—A14 Line passes along with north line of plot no. 73 of mouza Hahajore No. 13, Passes along with joint boundary line of mouza Hahajore No. 13 and mouza Dumaria No. 1, passes through north line of plot no. 1227 of mouza Dumaria No. 1 and meets at point 'A-14' as delineated on plan.
- A14—A15 Line passes through plot no. 1227 of mouza Dumaria No. 1 and meets at point 'A-15' as delineated on plan.
- A15—A16—A17 Line passes through north line of plot no. 1191 of Dumaria No. 1, passes along with the north and west line of plot no. 1192, 1193, passes west line of plot no. 1196, 1197, north of plot no. 1199, 1200, 1201, 1202, 1203, 1106, 1107 east of plot no. 1109, passes through line of plot no. 732, alongwith east of the plot no. 1147, south and east line of plot no. 1148 and again passes along with south and east line and meets at point 'A-17' as delineated on plan.
- A17—A18 Line passes through plot no. 1178 of mouza Dumaria no. 1 and meets at point 'A-18' as delineated on plan.
- A18—A19 Line passes along with joint boundary line of mouza Dumaria no. 1 and Pachrukhi No. 14, passes through west and south line of plot no. 282 of mouza Pachrukhi No. 14 and meets at point 'A-19' as delineated on plan.
- A19—A20 Line passes along with west of plot No. 282 of mouza Pachrukhi No. 14 and passes along with north and west line of plot no. 282 and meets at point 'A-20' as delineated on plan.
- A20—A21—A22 Line passes along with east and north line of plot no. 282 of mouza Pachrukhi, passes through west, north line of plot no. 326 and meets at point 'A-22' as delineated on plan.
- A22—A23 Line passes along with joint boundary line of mouza Pachrukhi No. 14 and Paharpur No. 32, passes through north line of plot no. 316 of muuza Pachrukhi, passes along with east and north line of plot no. 308, 307, 305, passes through line of plot no. 303, 304 passes through east line of plot no. 299, passes through south east and north line of plot no. 301 passes along with north line of plot No. 300 and meets at point 'A-23' as delineated on plan.
- A23—A24—A25 Line passes along with west line of plot no. 300, 299, 304, 297 of mouza Pachrukhi passes through north of plot no. 296, 295, passes through west line of plot no. 264, 261, passes along with west and north line of plot no. 256, passes along with west line of plot no. 255, 250 and meets at point 'A-25' as delineated on plan.
- A25—A26 Line passes along with joint boundary line of mouza Paharpur No. 32, Pachrukhi No. 14, passes alongwith north line of plot no. 250, 248, 143 of mouza Pachrukhi No. 14, passes through east and north line of plot no. 142, passes through east line of plot no. 140, passes through east and north line of plot no. 135, passes through north and west line of plot no. 134, west line of plot no. 133, north line of plot no. 128, alongwith east, north and west of plot no. 121, east line of plot no. 123, along with east, north and west line of plot no. 124 passes along with east line of plot no. 125, 126 and meets at point 'A26' as delineated on plan.
- A26—A1 Line passes through plot no. 14 of mouza Paharpur No. 32 and meets at starting point 'A-1' as delineated on plan.

नई दिल्ली, 13 मार्च, 1997

का.आ. 825—केन्द्रीय सरकार, ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 1 की उपधारा (1) के अधीन भारत के राजपत्र, भाग 2, खंड 3, उपखंड (II), तारीख 2 दिसम्बर, 1995 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 3117 तारीख 6 जून, 1995 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 600.00 एकड़ (लगभग) या 242.82 हैक्टेयर (लगभग) है, कोयले का पूर्वोक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त 600.00 एकड़ (लगभग) या 242.82 हैक्टेयर (लगभग) भूमि में कोयला अभिप्राप्य है।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे संलग्न अनुसूची में वर्णित 600.00 एकड़ (लगभग) या 242.82 हैक्टेयर (लगभग) माप की भूमि में अर्जन करने के अपने आशय की सूचना देती है।

टिप्पणी : 1. इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. राजस्व/35/96 तारीख 17 अप्रैल, 19/96 का निरीक्षण कलकत्ता, सिंधी (मध्य प्रदेश) के कार्यालय में या नार्दन कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) सिंगरौली (मध्य प्रदेश) के कार्यालय में कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट कलकत्ता के कार्यालय में किया जा सकता है।

टिप्पणी : 2. कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध हैं :—

अर्जन के प्रति आक्षेप (1) कोई व्यक्ति जो किसी भूमि में जिसकी वास्तव धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किये जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण—इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जायेगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिये स्वयं खनन संक्रियाएँ करता चाहता है और ऐसी संक्रियाएँ केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिये।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति मध्यम प्राधिकारी को लिखित रूप में की जायेगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिये देगा।

(3) इस धारा के प्रयोजनों के लिये वह व्यक्ति किसी भूमि में हितबद्ध समझा जायेगा जो प्रतिफल में हित का दावा करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिये जाते हैं।

टिप्पणी : 3. केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता-700001 को उक्त अधिनियम की धारा 3 के अधीन तारीख 17 अक्टूबर, 1987 के भारत के राजपत्र में 3587 से 3591 पृष्ठ पर प्रकाशित अधिसूचना सं. 43022/12/87 सी.ए. (ii) तारीख 5 अक्टूबर, 1987 द्वारा सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

जयंत खंड एक्सटेंशन (उपखंड-1)

नारिन कोलफील्ड्स लिमिटेड, सिंगरौली

जिला-सिंधी (मध्य प्रदेश)

सभी अधिकार-रेखाक सं. राजम्ब/35/96 तारीख 17-4-96 अर्जित की जाने वाली भूमि दर्शाते हुए।

क्र.सं.	ग्राम	तहसील	जिला	क्षेत्र एकड़ में	टिप्पणियां
1.	मैधोली	सिंगरौली	सिंधी (म. प्र.)	600.00 एकड़	भाग
				600.00 एकड़ (लगभग)	
				या	
				242.82 हेक्टेयर (लगभग)	

ग्राम मैधोली में अर्जित किए जाने वाले प्लॉट संख्यांक

132(पी), 133(पी), 134(पी), 147(पी), 148(पी), 149(पी), 152(पी), 154(पी), 155/1(पी), 155/7(पी), 156(पी), 157, 157/2, 157/3, 158(पी), 159(पी), 161 (पी), 164(पी), 167(पी), 171(पी), 172, 173(पी), 174 से 205, 206(पी), 207 से 211, 212(पी) 215(पी), 218(पी), 219(पी), 220(पी), 221, 222(पी), 223(पी), 234(पी), 235(पी), 236/1(पी), 236/2, 237, 238, 239(पी), 240(पी), 241(पी), 242(पी), 243, 244, 245, 246, 247(पी), 255(पी), 258(पी), 259(पी), 260 से 276, 277(पी), 302(पी), 304/598(पी), 304/630(पी), 300, 306, 306/633, 307, 308, 309(पी), 311(पी), 313(पी), 314, 315, 316(पी), 620/315(पी), 408(पी), 409(पी), 409/1, 410(पी), 411(पी), 416/2(पी), 416/3(पी), 417(पी), 418(पी), 429(पी), 430(पी), 431, 432(पी), 433 से 445, 445/640 (पी), 446(पी), 467(पी), 469(पी), 470(पी), 471, 472(पी), 473, 474(पी), 475, 476, 477 478(पी), 479, 480(पी), 481, 481/624, 482(पी), 486(पी), 486/625, 487(पी), 488(पी), 606, 617(पी), 154/609, 154/609A; 154/609 घ, 159/610(पी), 164/613, 171/596, 188/611, 197/612, 206/597, 208/616/2(पी), 208/616(पी), 453/632, 483(पी)।

सीमा वर्णन

- क-ख : रेखा बिन्दु "क" से आरम्भ होती है और ग्राम मैधोली के प्लॉट सं० 134, 133 और 132 से होकर जाती है तथा बिन्दु "ख" पर मिलती है।
- ख-ग : रेखा बिन्दु "ख" से आरम्भ होती है और ग्राम मैधोली के प्लॉट सं. 132, 149, 152, 154, 155/1, 156, 155/7, 158, 206, 159, 161, 159/610, 164, 167, 173, 171, 311, 309, 313, 316, 620/315, 429 से होकर जाती है तथा बिन्दु "ग" पर मिलती है।
- ग-घ : रेखा बिन्दु "ग" से आरम्भ होती है और ग्राम मैधोली के प्लॉट सं० 429, 430, 432, 418, 474 417, 416/2, 416/3, 409, 410 और 411 से होकर जाती है तथा बिन्दु "घ" पर मिलती है।
- घ-ङ : रेखा बिन्दु "घ" से आरम्भ होती है और ग्राम मैधोली के प्लॉट सं. 411 और 410 की दक्षिणी सीमा से होकर जाती है तथा बिन्दु "ङ" पर मिलती है।
- ङ-च : रेखा बिन्दु "ङ" से आरम्भ होती है और ग्राम मैधोली के प्लॉट सं. 407 तथा 408 और प्लॉट सं. 407/2 तथा 408 की सम्मिलित सीमा से होकर जाती है और बिन्दु "च" पर मिलती है।
- च-छ : रेखा बिन्दु "च" से आरम्भ होती है और ग्राम मैधोली के प्लॉट सं. 408, 488, 487, 486, 483, 482, 467, 470, 472 फिर 470, 469, 446, 445, 604 से होकर जाती है तथा बिन्दु "छ" पर मिलती है।
- छ-क : रेखा बिन्दु "छ" से आरम्भ होती है और ग्राम मैधोली के प्लॉट सं. 445/604, 446, 304/598, 304 630, 302, 277, 258, 259, 255, 247, 242, 241, 240, 239, 243, 236/1, 235, 223, 617, 222, 220, 219, 218, 212, 208/616/2, 208/616, 215, 148, 147 तथा 134 से होकर जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[फा.सं. 43015/8/95-एल०एस० डब्ल्यू०]

श्रीमती पी० एल० सैनी, अवर सचिव

New Delhi, the 13th March, 1997

S.O. 825.—Whereas by the notification of the Government of India in the Ministry of Coal No. S.O. 3117 dated the 6th June, 1995, issued under section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 2nd December, 1995, the Central Government gave notice of its intention to prospect for coal in 600.00 acres (approximately) or 242.82 hectares (approximately) of the lands in the locality specified in the Schedule appended to that notification.

And whereas the Central Government is satisfied that coal is obtainable in the said 600.00 acres (approximately) or 242.82 hectares (approximately) of lands.

Now therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the lands measuring 600.00 acres (approximately) or 242.82 hectares (approximately) described in the Schedule appended hereto :

Note 1. The plan bearing No. Rev/35/96 dated the 17th April, 1996 of the area covered by this notification may be inspected in the Office of the Collector, Sidhi (Madhya Pradesh), or at the Office of the Northern Coalfields Limited (Revenue Section), Singrauli (Madhya Pradesh) or at the Office of the Coal Controller, 1, Council House Street, Calcutta.

Note 2. Attention is hereby invited to the provisions of the section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), which provides as follows :

Objection to Acquisition :

8. (1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operation in the land for the production of Coal and that such operations should not be undertaken by the Central Government or any other person.

- (2) Every objection under sub-section (1) shall be made to the Competent Authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different part of such land or of rights in or over such land, to the Central Government containing his recommendations on the objections, together with the records of the proceedings held by him, for the decision of that Government.

- (3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.

Note 3. The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the competent authority under the said Act vide Notification No. 43022/12/87-CA(ii) dated 5th October, 1987 published in the Gazette of India, dated the 17th October, 1987 at pages 3587 to 3591.

SCHEDULE

JAYANT BLOCK EXTENSION SUB-BLOCK V)

NORTHERN COALFIELDS LIMITED, SINGRAULI

DISTRICT SIDHI (MADHYA PRADESH)

ALL RIGHTS Drawing No. Rev/35/96
dt. 17-4-96

(Showing lands to be
acquired)

Sl. No.	Village	Tahsil	District	Area in Acre	Remarks
1.	Medhauli	Singrauli	Sidhi (M.P.)	600.00 Acres	Part
600.00 Acres (approximately) or 242.82 Hectares (approximately)					

Plot numbers to be acquired in Village Medhauli.
 132(p), 133(p), 134(p), 147(p), 148(p), 149(p),
 152(p), 154(p), 155|1(p), 155|7(p), 156(p),
 157, 157|2, 157|3, 158(p), 159(p), 161(p),
 164(p), 167(p), 171(p), 172, 173(p), 174 to 205,
 206(p), 207 to 211, 212(p), 215(p), 218(p),
 219(p), 220(p), 221, 222(p), 223(p), 234(p),
 235(p), 236|1(p), 236|2, 237, 238, 239(p),
 240(p), 241(p), 242(p), 243, 244, 245, 246,
 247(p), 255(p), 258(p), 259(p), 260 to 276,
 277(p), 302(p), 304|598(p), 304|630(p), 305,
 306, 306|633, 307, 308, 309(p), 311(p), 313(p),
 314, 315, 316(p), 620|315(p), 408(p), 409(p),
 409|1, 410(p), 411(p), 416|2(p), 416|3(p),
 517(p), 418(p), 429(p), 430(p), 431, 432, 432(p),
 433 to 445, 445|604(p), 446(p), 467(p), 469(p),
 470(p), 471, 472(p), 473, 474(p), 475, 476, 477,
 478(p), 479, 480, 481, 481|624, 482(p), 486(p),
 486|625, 487(p), 488(p), 606, 617(p), 154|609,
 154|609 Ga, 154|609 Gh, 159|610(p), 164|613,
 171|596, 188|611, 197|612, 206|597, 208|616|
 2(p), 208|616(p), 435|632, 483(p).

Boundary description :—

A-B Line starts from point 'A' and passes through plot numbers 134, 133 and 132 of village Medhauli and meets at point 'B'.

B-C Line starts from point 'B' and passes through plot numbers 132, 149, 152, 154, 155|1, 156, 155|7, 158, 206, 159, 161, 159|610, 164, 167, 173, 171, 311, 309, 313, 316, 620|315, 429 of village Medhauli & meets at point 'C'.

C-D Line starts from point 'C' and passes through plot numbers 429, 430, 432, 418, 474, 417, 416|2, 416|3, 409, 410 and 411 of village Medhauli & meets at point 'D'.

D-E Line starts from point 'D' and passes through Southern boundary of plot numbers 411 and 410 of village Medhauli and meets at point 'E'.

E-F Line starts from point 'E' and passes through common boundary of plot numbers 407 and 408 and common boundary of 407|2 and 408 of village Medhauli and meets at point 'F'.

F-G Line starts from point 'F' and passes through plot numbers 408, 488, 487, 486, 483, 482, 467, 470, 472, again 470, 469, 446, 445|604 of village Medhauli and meets at point 'G'.

G-A Line starts from point 'G' and passes through plot numbers 445|604, 446, 304|598, 304|630, 302, 277, 258, 269, 255, 247, 242, 241, 240, 239, 234, 236|1, 235, 223, 617, 222, 220, 219,

218, 212, 208|616|2, 208|616, 215, 148, 147 and 134 of village Medhauli and meets at starting point at 'A'.

[No. 43015/8/95-LSW]

Mrs. P. L. SAINI, Under Secy.

वस्त्र मंत्रालय

नई दिल्ली, 18 मार्च, 1997

कां०आ०. 826 :—केन्द्रीय रेशम बोर्ड अधिनियम, 1948 (1948 का 61) की धारा 5(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित को केन्द्रीय रेशम बोर्ड के सदस्य के रूप में कार्य करने के लिए 17 मार्च, 2000 की अवधि तक नामित करती है, इसमें 17 मार्च, 2000 भी शामिल है।

1. श्री टी०बी० लक्ष्मीनारायना
पुत्र श्री व्यंकटराम
प्रेसिडेन्ट टी ए पी सी एम,
टहलगावरा
पोस्ट कोडी-नेहल्ली
डोडावल्लारपुर ताल्लुका
बेंगलूर रूरल डिस्ट्रिक्ट
कर्नाटका
2. श्री के मरिस्वामी गोड़ा एम ए बी एड,
पुत्र श्री केम्पेगोड़ा
ग्राम ब पोस्ट सुगनहल्ली
श्रीरंग पट्टना ताल्लुका
मान्ड्या डिस्ट्रिक्ट
कर्नाटका
3. श्री एन एम रामाचन्द्राचार बीए
पुत्र श्री एन श्रीनिवासचर
11 नागरत्ना पेडा
सिद्दालगुटा टाउन
कोलार डिस्ट्रिक्ट
कर्नाटका।

[फाइल सं० 25012/5/94-रेशम]

एस० के० केशव, निदेशक

MINISTRY OF TEXTILES

New Delhi, the 18th March, 1997

S.O. 826.—In exercise of the powers conferred by Section 5(1) of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby nominates the following to serve as member of the

Central Silk Board for a period upto and including
17th March, 2000 :—

1. Sri T. V. Laxminarayana,
S/o Venkataram,
President, TAPC Ms,
Tahalagawara
Kodigehalli Post,
Doddaballapur Taq,
Bangalore Rural Dist.,
Karnataka.

2. Shri K. Mariswamy Gowda, M.A. B.Ed.,
S/o Kempegowda,

Suggenhally village & post,
Sreerangapattana Taq,
Mandya Distt.,
Karnataka.

3. Shri N. S. Ramachandrachar, B.A.,
S/o N. Srinivasachar,
Hnd Nagaratna Peta,
Siddalagatta Town,
Kolar Distt.,
Karnataka.

[File No. 25012/5/94-Silk]
S. K. KESHAHA, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 10 मार्च, 1997

का०प्रा० 827. :—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकाहित में ऐसा करना आवश्यक है कि पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के बरौनी तक पेट्रोलियम (शुद्ध) के परिवहन के लिए इंडियन ऑयल कारपोरेशन लि० द्वारा पाइप-लाइन बिछाई जाए ;

और यह प्रतीत होता है कि उक्त पाइपलाईन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय को घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितवद्ध कोई व्यक्ति उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाईन बिछाने के संबंध में उनमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित रूप में आक्षेप थी विषयनाथ बोस, सक्षम प्राधिकारी, इंडियन ऑयल कारपोरेशन लिमिटेड, हल्दिया-बरौनी शुद्ध पाइपलाईन परियोजना, डाकघर-खंजनचक, बासुदेवपुर, जिला-मिर्जापुर (पश्चिमी बंगाल) को कर सकेगा ।

अनुसूची

पुलिस थाना : खनाकुल		जिला : हुगली		राज्य : पश्चिमी बंगाल	
गांव	अधिकारिता सूची सं०	प्लॉट सं०	क्षेत्र		
			ट्रेक्टेयर	एयर	सेंटीएयर
1	2	3	4	5	6
धोरादाहा	57	3024	0	4	86
		7328/8147	0	0	81
		7329/8148	0	1	21
		7348	0	0	40
		7065	0	1	62
		2349	0	0	20
		4292	0	0	40
		5612	0	0	40

1	2	3	4	5	6
		7443	0	0	40
		7444	0	0	61
		2926/3328	0	1	62
		2926/3327	0	1	62
		2926/3326	0	2	43
रामचन्द्रपुर	54	300	0	0	12
हीरापुर	52	754	0	1	21
धर्मपुर	23	1249	0	0	10
		216	0	0	12
रामनगर	42	537	0	1	42
		642	0	1	62
		647	0	0	8
कृष्णानगर	37	555	0	0	20
साइबोना	31	27	0	6	47
		1	0	9	31
गौरान	33	1352	0	4	4
		1353	0	1	21

[संख्या आर-31015/2/97-ओ०आर-1

के०सी० कटोच, अवर सचिव]

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 10th March, 1997

S.O. 827.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum (crude) from Haldia in the State of West Bengal to Barauni in the State of Bihar, pipelines should be laid by the Indian Corporation Limited;

And whereas, it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Biswanath Bose, Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Pipeline Project, Post Office-Khanjanchak, Basudevpur, District-Midnapur (West Bengal).

SCHEDULE

Police Station : Khanakul		District : Hooghly		State : West Bengal	
Village	Jurisdiction List No.	Plot No.	Area		
			Hectares	Ares	Centiare
1	2	3	4	5	6
Ghoradaha	57	3024	0	4	86
		7328/8147	0	0	81
		7329/8148	0	1	21

1	2	3	4	5	6
		7348	0	0	40
		7065	0	1	62
		2349	0	0	20
		4292	0	0	40
		5612	0	0	40
		7443	0	0	40
		7444	0	0	61
		2926/3328	0	1	62
		2926/3327	0	1	62
		2926/3326	0	2	43
Ramchandrapur	54	300	0	0	12
Hirapur	52	754	0	1	21
Dharampur	23	1249	0	0	10
		216	0	0	12
Ramnagar	42	537	0	1	42
		642	0	1	62
		647	0	0	8
Krishnanagar	37	555	0	0	20
Saibona	31	27	0	6	47
		1	0	9	31
Gouran	33	1352	0	4	4
		1353	0	1	21

[No. R-31015/2/97-OR-I]

K. C. KATOCH, Under Secy.

नई दिल्ली, 10 मार्च, 1997

का आ 828.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा करना आवश्यक है कि पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के बरौनी तक पेट्रोलियम (क्रूड) के परिवहन के लिए इंडियन ऑयल कारपोरेशन लि. द्वारा पाईपलाईन बिछाई जाए;

और यह प्रतीत होता है कि उक्त पाईपलाईन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाईपलाईन बिछाने के संबंध में उनमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित रूप में आक्षेप श्री विश्वनाथ बोस, सक्षम प्राधिकारी, इंडियन ऑयल कारपोरेशन लिमिटेड, हल्दिया-बरौनी क्रूड पाईपलाईन परियोजना, डाकघर-खंजनचक, बामुदेवपुर, जिला-मिदनापुर (पश्चिमी बंगाल) को कर सकेगा।

अनुसूची

पुलिस थाना : आरामबाग		जिला : हुगली		राज्य : पश्चिमी बंगाल	
गांव	अधिकारिता सूची सं०	प्लॉट सं०	हेक्टेयर	एअर	सेन्टीएयर
1	2	3	4	5	6
सतमासा	162	837	0	7	28
सीतलपुर	157	1320	0	6	47

1	2	3	4	5	6
मेलाखपुर	144	1129	0	10	12
		1130	0	3	44
		1307	0	0	10
		1131	0	4	86
		1132	0	1	82
		1133	0	2	43
		1134	0	4	86
		1135	0	2	43
		1136	0	1	21
		1137	0	3	64
		1139	0	1	1
		1138	0	8	9
		1141	0	3	64
		1142	0	3	44
		1143	0	5	87
		1117	0	0	81
		1381	0	2	2
		1118	0	1	62
		1066	0	2	2
		1357	0	7	28
		1359	0	0	20
पीरीचपुर	143	630	0	3	24
		575	0	2	43
		576	0	0	20
		577	0	4	45
		578	0	2	43
		588	0	1	21
		587	0	0	61
		585	0	8	9
		586	0	5	26
		571	0	0	81
		631	0	2	43
दक्षिण रसूलपुर	132	47	0	0	61
असानपुर	78	693 964	0	7	28
		673	0	8	50

[संख्या आर-31015/2/97-ओ आर-I]

के. सी. कटोव, अवर सचिव

New Delhi, the 10th March, 1997

S.O. 828.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum (crude) from Haldia in the State of West Bengal to Barauni in the State of Bihar, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas, it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Any person, interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Biswanath Bose, Competent Authority Indian Oil Corporation Limited, Haldia-Barauni Pipeline Project, Post Office-Khanjanchak, Basudevpur, District-Midnapur (West Bengal).

SCHEDULE

Police Station : Arambagh		District : Hooghly		State : West Bengal		
Village	Jurisdiction List No.	Plot No.	Area			
			Hectares	Ares	Centiares	
1	2	3	4	5	6	
Satnasa Sitalpur Selalpur	162	837	0	7	28	
	157	1320	0	6	47	
	144	1129	0	10	12	
		1130	0	3	44	
		1307	0	0	10	
		1131	0	4	86	
		1132	0	1	82	
		1133	0	2	43	
		1134	0	4	86	
		1135	0	2	43	
		1136	0	1	21	
		1137	0	3	64	
		1139	0	1	1	
		1138	0	8	9	
		1141	0	3	64	
		1142	0	3	44	
		1143	0	5	87	
		1117	0	0	81	
		1381	0	2	2	
		1118	0	1	62	
		1066	0	2	2	
		1357	0	7	28	
		1359	0	0	20	
Pirichpur	143	630	0	3	24	
		575	0	2	43	
		576	0	0	20	
		577	0	4	45	
		578	0	2	43	
		588	0	1	21	
		587	0	0	61	
		585	0	8	9	
		586	0	5	26	
		571	0	0	81	
		631	0	2	43	
Dakshin Rasulpur	132	47	0	0	61	
Asanpur	78	693/964	0	7	28	
		673	0	8	50	

नई दिल्ली, 10 मार्च, 1997

का. आ. 829:—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा करना आवश्यक है कि पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के बरौनी तक पेट्रोलियम (कूड) के परिवहन के लिए इंडियन आयल कारपोरेशन लि. द्वारा पाइपलाईन बिछाई जाए;

और यह प्रतीत होता है कि उक्त पाइपलाईन बिछाने के प्रयोजन के लिये इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाईन बिछाने के संबंध में उनमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित रूप में आक्षेप श्री विश्वनाथ बोस, सक्षम प्राधिकारी, इंडियन आयल कारपोरेशन लिमिटेड, हल्दिया-बरौनी कूड पाइपलाईन परियोजना, डाकघर-खंजनचक, बामुदेबपुर, जिला-मिदनापुर (पश्चिमी बंगाल) को कर सकेगा।

पुलिस थाना : मुताहाटा

जिला : मिदनापुर

राज्य : पश्चिमी बंगाल

गांव	अधिकारिता सूची सं.	प्लॉट सं.	क्षेत्र		
			हेक्टेयर	एयर	सेंटीएयर
1	2	3	4	5	6
मनोहरपुर	92	167	0	3	64
		169	0	5	67
		173	0	0	20
		203	0	0	40
		202	0	1	1
		204	0	1	82
		201	0	0	40
		200	0	0	20
		198	0	2	2
		199	0	0	40
		1817	0	0	40
		304	0	3	24
		305	0	0	20
		314	0	0	61
		1799	0	2	63
तेतुलबेरिया	170	311	0	2	83
		1386	0	0	82

पुलिस थाना : महीशावल

जिला : मिदनापुर

राज्य : पश्चिमी बंगाल

कुमारारा	118	852	0	0	41
		855	0	0	10
		856	0	0	40
		858	0	3	84
		864	0	0	20

(1)	(2)	(3)	(4)	(5)	(6)
कुमारसरा-जायी		1057	0	0	20
		1059	0	8	50
		1069	0	2	43
		1070	0	0	10
		1075	0	2	43
		1076	0	4	45
		1028	0	0	81
		1034	0	1	62
		1029	0	1	62
		1030	0	0	81
		1031	0	2	2
		999	0	13	76
		972	0	0	81
		973	0	1	1
		968	0	0	81
		969	0	1	82
		1093	0	0	61
		284	0	0	81
		1025	0	0	20
		758	0	2	43
		759	0	1	32
आगमारी	101	238	0	5	67
		625	0	4	5
		523	0	0	61
		519	0	0	40
		520	0	5	67
		527	0	2	83
		529	0	0	61
		530	0	5	26
		502	0	0	81
		503	0	0	81
		504	0	1	21
		540	0	0	10
		541	0	1	82
		506	0	0	10
गुरिया	45	43	0	0	40
		42	0	0	20
		41	0	0	40
		44	0	1	62
		16	0	1	21
		14	0	1	21
		30	0	2	2
नरावारी	44	1494	0	2	2
		1464	0	2	63

1	2	3	4	5	6
कोलभार	88	768	0	2	43
		769	0	5	67
		681	0	1	1
		676	0	2	23
पुलिस थाना : ताम्रलूक निश्चिंताबसन जिला मिदनापुर		राज्य : पश्चिमी बंगाल			
	147	1758	0	0	81
		1757	0	2	83
		1756	0	4	45
		1755	0	2	2
		1754	0	1	1
		1759	0	1	21
		1760	0	1	82
		1761	0	0	81
		1762	0	0	40
		1763	0	1	1
		1282	0	5	26
		1276	0	2	2
		1283	0	1	1
		1160	0	0	40
		1162	0	0	12
		1258	0	1	62
बनीभार	136	706	0	1	62
		707	0	0	20
		709	0	1	62
नीलकंठिया	52	2705	0	3	24
		3478	0	0	81
		2977	0	10	12
		2980	0	0	81
		3479	0	1	82
		2976	0	0	40
		2987	0	4	86
		2988	0	2	43
		2990	0	4	45
		2954	0	2	2
		3306	0	2	2
		3305	0	1	21
		2946	0	4	5
		2953	0	0	10
		2947	0	2	2
		2948	0	2	2
		2949	0	4	86
		2950	0	3	64
		3287	0	4	5
		2925	0	1	21
		2926	0	2	83
		2916	0	3	24

1	2	3	4	5	6
नीलकुधिया-जारी	2915	0	3	24	
	2917	0	3	24	
	3286	0	3	64	
	2908	0	2	2	
	2911	0	1	62	
	2910	5	3	24	
	2909	0	4	86	
	2897	0	8	9	
	2898	0	6	48	
	2899	0	0	10	
	2900	0	0	61	
	2896	0	4	5	
	2876	0	0	20	
	3282	0	0	20	
	2895	0	4	5	
	2878	0	0	20	
	2879		0	20	
	2868	0	0	10	
	2880	0	5	67	
	2867	0	3	24	
	3281	0	1	62	
	2864	0	5	67	
	2860	0	2	43	
	2861	0	0	10	
	2862	0	0	10	
	3279	0	2	43	
	2858	0	4	45	
	1576	0	0	41	
	1577	0	2	83	
	1582	0	0	10	
	1583	0	1	62	
	1581	0	0	10	
	1584	0	2	83	
	1585	0	1	1	
	1586	0	1	1	
	1587	0	1	1	
	1588	0	2	2	
	1567	0	0	10	
	1589	0	1	42	
	1656	0	1	42	
	1657	0	4	45	
	1658	0	2	63	
कानथीबार	58	42	0	1	1
		37	0	0	81
		38	0	0	40
		39	0	0	10

(1)	(2)	(3)	(4)	(5)	(6)
कानपीबार—जारी		31	0	1	62
		30	0	1	1
		29	0	0	20
		28	0	2	63
		27	0	1	82
		10	0	1	1
		36	0	0	20
अमरोल्लथा	95	397	0	0	20
		398	0	0	61
		399	0	0	61
		400	0	0	41
		403	0	0	81
		407	0	1	62
		408	0	0	41
		415	0	0	20
		392	0	0	40
		354	0	0	81
		351	0	0	40
		350	0	0	40
		337	0	1	21
		339	0	0	40
		343	0	9	71
		344	0	0	20
		349	0	0	20
घारिण्डा	279	818	0	1	21
		821	0	2	2
		822	0	2	43
		823	0	0	81
		824	0	0	20
		832	0	1	62
		828	0	2	43
		827	0	3	24
		829	0	0	61
		830	0	0	20
		965	0	0	20
		966	0	0	61
		964	0	0	20
		967	0	1	21
		972	0	0	81
		971	0	1	1
		970	0	4	5
		973	0	2	23
		974	0	0	40
		1042	0	0	81
		1041	0	0	81
		1040	0	3	24

(1)	(2)	(3)	(4)	(5)	(6)
धारिण्डा		1048	0	0	20
		1049	0	2	2
		1050	0	1	62
		1321	0	1	21
		1045	0	0	61
		1046	0	0	20
काषाशबेर	283	1889	0	3	24
		1558	0	2	63
		1195	0	3	44
		1775	0	1	62
		1816	0	0	81
		1817	0	3	4
		835	0	1	21
		845	0	2	2
		848	0	1	82
पदूम बसन	144	2408	0	2	63
		624	0	1	82
		623	0	1	82
		613	0	2	43
		611	0	4	86
		612	0	4	86
दाहारपुर	276	31	0	6	88
		32	0	6	48
		1	0	3	24
		2	0	1	21
राजगोडा	100	468	0	0	20
		467	0	1	62
		466	0	12	55
पदमपुर	99	97	0	10	12
		98	0	2	43
		639	0	1	82
		2	0	3	24
हरशंकर खामारखक	59	1477	0	0	40
		1524	0	2	43
		1476	0	3	32
बारपादुमबासन	145	242	0	1	20
		244	0	0	80
		249	0	0	40
पुलिस थाना : पंसकुरा जिला : मिदनापुर राज्य: पश्चिमी बंगाल					
गजई	248	99	0	0	64
		95	0	2	59
		69	0	1	29
		70	0	3	95

(1)	(2)	(3)	(4)	(5)	(6)	(7)
गजई (जारी)			68	0	0	20
			67	0	2	76
			23	0	0	10
			22	0	2	2
			21	0	1	2
			19	0	2	63
			14	0	2	63
			15	0	5	26
			16	0	0	47
रामचन्द्रपुर	250		1145	0	4	22
			17	0	2	43
			18	0	7	76
			9	0	0	40
			1159	0	4	45
			92	0	3	64
			94	0	1	62
			93	0	3	24
मनोहरपुर	252		514	0	0	81
			535	0	3	24
			534	0	3	64
			1131	0	0	40
			533	0	1	82
			547	0	1	82
			548	0	4	5
			552	0	4	86
			551	0	5	6
			550	0	0	40
			563	0	6	27
			1140	0	7	69
			581	0	3	84
			1148	0	3	64
			1149	0	4	29
			457	0	0	10
			456	0	1	21
			453	0	1	1
			452	0	2	2
			451	0	4	86
			109	0	3	81
			420	0	1	69
			418	0	0	1
पथरिया	249		573	0	0	40
बंगालपुर	317		1669	0	5	67
			2035	0	3	4
			872	0	3	64

(1)	(2)	(3)	(4)	(5)	(6)
ब्रंगालपुर—(जारी)		873	0	3	44
		874	0	1	62
		1979	0	1	62
		2037	0	1	1
		1671	0	5	26
		1982	0	1	42
नंदाईगजन	310	902	0	2	23
		903	0	4	45
		1436	0	0	61
		1077	0	3	64
		1078	0	7	69
		1079	0	1	21
		1080	0	1	21
		1081	0	4	86
		1358	0	2	83
		630	0	0	40
		631	0	7	69
		904	0	2	43
शारदावसन	305	245	0	11	74
		333	0	14	16
		334	0	5	67
		335	0	11	33
		336	0	5	67
		351	0	5	67
		353	0	1	21
		355	0	11	74
		243	0	4	5
		482	0	0	80
वागडाबर	298	1046	0	5	26
		1047	0	0	40
		471	0	2	83
		994	0	3	24
		406	0	4	5
		374	0	3	24
		148	0	2	83
		149	0	5	26
		475	0	0	81
कुंगरहट	296	582	0	2	83
पुलिस थाना : दासपुर	जिला मिदनापुर	राज्य पश्चिमी बंगाल			
गोमोकपोटा	237	1956	0	0	61
		1610	0	0	20
पालासापट्टी	156	2094	0	0	20

1	2	3	4	5	6
जोयरामचक	157	3077	0	0	81
		3078	0	2	42
		792	0	0	20
		3015	0	0	81
		3014	0	0	81
आदमपुर	228	1647	0	0	20
		149	0	1	11
फरीदपुर	227	150	0	0	61
		427	0	0	40

[संख्या आर-31015/3/97-ओ.आर.१]

के. सी. कटोच, अवर सचिव

New Delhi, the 10th March, 1997

S.O. 829.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum (crude) from Haldia in the State of West Bengal to Barauni in the State of Bihar, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas, it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Official Gazette are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to Shri Biswanath Bose, Competent Authority, Indian Oil Corporation Limited, Haldia—Barauni Pipeline Project, Post Office—Khanjanchak, Basudevpur, District—Midnapur (West Bengal).

SCHEDULE

Police Station : Sutahata		District : Midnapur		State : West Bengal		
Village	Jurisdiction List No.		Plot No.	Area		
				Hectares	Ares	Centiares
1	2	3	4	5	6	
Manoharpur	92	167	0	3	64	
		169	0	5	67	
		173	0	0	20	
		203	0	0	40	
		202	0	1	1	
		204	0	1	82	
		201	0	0	40	
		200	0	0	20	
		198	0	2	2	
		199	0	0	40	
		1817	0	0	40	
		304	0	3	24	
		305	0	0	20	
		314	0	0	61	
		1799	0	2	63	
		311	0	2	68	

1	2	3	4	5	6
Tentulberia	170	1386	0	0	82
Police Station : Mahishadal	District : Midnapur	State : West Bengal			
Kumarara	118	852	0	0	41
		855	0	0	10
		856	0	0	40
		858	0	3	84
		864	0	0	20
		1057	0	0	20
		1059	0	8	50
		1069	0	2	43
		1070	0	0	10
		1075	0	2	43
		1076	0	4	45
		1028	0	0	81
		1034	0	1	62
		1029	0	1	62
		1030	0	0	81
		1031	0	2	2
		999	0	13	76
		972	0	0	81
		973	0	1	1
		968	0	0	81
		969	0	1	82
		1093	0	0	61
		284	0	0	81
		1025	0	0	20
		758	0	2	43
		759	0	1	82
Bagmari	101	238	0	5	67
		625	0	4	
		523	0	0	61
		519	0	0	40
		520	0	5	67
		527	0	2	83
		529	0	0	61
		530	0	5	26
		502	0	0	81
		503	0	0	81
		504	0	1	21
		540	0	0	10
		541	0	1	82
		506	0	0	10
Gurja	45	43	0	0	40
		42	0	0	20
		41	0	0	40
		44	0	1	62
		16	0	1	21
		14	0	1	21
		30	0	2	2
Naradari	44	1494	0	2	2
		1464	0	2	63
Kolsar	88	768	0	2	43
		769	0	5	67

1	2	3	4	5	6
		681	0	1	1
		676	0	2	23
Police Station : Tamluk	District : Midnapur				State : West Bengal
Nischintabasan	147	1758	0	0	81
		1757	0	2	83
		1756	0	4	45
		1755	0	2	2
		1754	0	1	1
		1759	0	1	21
		1760	0	1	82
		1761	0	0	81
		1762	0	0	40
		1763	0	1	1
		1282	0	5	26
		1276	0	2	2
		1283	0	1	1
		1160	0	0	40
		1162	0	0	12
		1258	0	1	62
Banrichar	136	706	0	1	62
		707	0	0	20
		709	0	1	62
Nilkunthia	52	2705	0	3	24
		3478	0	0	81
		2977	0	10	12
		2980	0	0	81
		3479	0	1	82
		2976	0	0	40
		2987	0	4	86
		2988	0	2	43
		2990	0	4	45
		2954	0	2	2
		3306	0	2	2
		3305	0	1	1
		2946	0	4	5
		2953	0	0	10
		2947	0	2	2
		2948	0	2	2
		2949	0	4	86
		2950	0	3	64
		3287	0	4	5
		2925	0	1	21
		2926	0	2	83
		2916	0	3	24
		2915	0	3	24
		2917	0	3	24
		3286	0	3	64
		2908	0	2	2
		2911	0	1	62
		2910	0	3	24
		2909	0	4	86
		2897	0	8	9
		2898	0	6	48
		2899	0	0	10
		2900	0	0	61
		2896	0	4	5
		2876	0	0	20
		3282	0	0	20
		2895	0	4	5

1	2	3	4	5	6
Nilkuathia—(Cont.)		2878	0	0	20
		2879	0	0	20
		2868	0	0	10
		2880	0	5	67
		2867	0	3	24
		3281	0	1	62
		2864	0	5	67
		2860	0	2	43
		2861	0	0	10
		2862	0	0	10
		3279	0	2	43
		2858	0	4	45
		1576	0	0	41
		1577	0	2	83
		1582	0	0	10
		1583	0	1	62
		1581	0	0	10
		1584	0	2	83
		1585	0	1	1
		1586	0	1	1
		1587	0	1	1
		1588	0	2	2
		1567	0	0	10
		1589	0	1	42
		1656	0	1	42
		1657	0	4	45
		1658	0	2	63
Kanthibar	58	42	0	1	1
		37	0	0	81
		38	0	0	40
		39	0	0	10
		31	0	1	62
		30	0	1	1
		29	0	0	20
		28	0	2	63
		27	0	1	82
		10	0	1	1
		36	0	0	20
Amgechhya	95	397	0	0	20
		398	0	0	61
		399	0	0	61
		400	0	0	41
		403	0	0	81
		407	0	1	62
		408	0	0	41
		415	0	0	20
		392	0	0	40
		354	0	0	81
		351	0	0	40
		350	0	0	40
		337	0	1	21
		339	0	0	40
		343	0	9	71
		344	0	0	20
		349	0	0	20
Dharinda	279	818	0	1	21
		821	0	2	2
		822	0	2	43
		823	0	0	81
		824	0	0	20
		832	0	1	62
		828	0	2	43
		827	0	3	24

1	2	3	4	5	6
		829	0	0	61
		830	0	0	20
		965	0	0	20
		966	0	0	61
		964	0	0	20
		967	0	1	21
		972	0	0	81
		971	0	1	1
		970	0	4	5
		973	0	2	23
		974	0	0	40
		1042	0	0	81
		1041	0	0	81
		1040	0	3	24
		1048	0	0	20
		1049	0	2	2
		1050	0	1	62
		1321	0	1	21
		1045	0	0	61
		1046	0	0	20
Kapasberia	283	1889	0	3	24
		1558	0	2	63
		1195	0	3	44
		1775	0	1	62
		1816	0	0	81
		1817	0	3	4
		835	0	1	21
		845	0	2	2
		848	0	1	82
Padumbasan	144	2408	0	2	63
		624	0	1	82
		623	0	1	82
		613	0	2	43
		611	0	4	86
		612	0	4	86
Daharpur	276	31	0	6	88
		32	0	6	48
		1	0	3	24
		2	0	1	21
Rajgoda	100	468	0	0	20
		467	0	1	62
		466	0	12	55
Padampur	99	97	0	10	12
		98	0	2	43
		639	0	1	82
		2	0	3	24
Harashankar-Khamarchak	59	1477	0	0	40
		1524	0	2	43
		1476	0	3	32
Barapadumbasan	145	242	0	1	20
		244	0	0	80
		249	0	0	40
Police Station: Pansukra					
	District-Midnapur			State: West Bengal	
Gajai	248	99	0	0	64
		95	0	2	59
		69	0	1	29
		70	0	3	95
		68	0	0	20
		67	0	2	76
		23	0	0	10
		22	0	2	2
		21	0	1	2
		19	0	2	63

1	2	3	4	5	6
		14	0	2	63
		15	0	5	26
		16	0	0	47
Ramchandrapur	250	1145	0	4	22
		17	0	2	43
		18	0	7	76
		9	0	0	40
		1159	0	4	45
		92	0	3	64
		94	0	1	62
		93	0	3	24
Manoharpur	252	514	0	0	81
		535	0	3	24
		534	0	3	64
		1131	0	0	40
		533	0	1	82
		547	0	1	82
		548	0	4	5
		552	0	4	86
		551	0	5	6
		550	0	0	40
		563	0	6	27
		1140	0	7	69
		581	0	3	84
		1148	0	3	64
		1149	0	4	29
		457	0	0	10
		456	0	1	21
		453	0	1	1
		452	0	2	2
		451	0	4	86
		1091	0	3	81
		420	0	1	69
		418	0	0	1
Pathria	249	573	0	0	40
Bangalpur	317	1669	0	5	67
		2035	0	3	4
		872	0	3	64
		873	0	3	44
		874	0	1	62
		1079	0	1	62
		2037	0	1	1
		1671	0	5	26
		1982	0	1	42
Nandaigajan	310	902	0	2	23
		903	0	4	45
		1436	0	0	61
		1077	0	3	64
		1078	0	7	69
		1079	0	1	21
		1080	0	1	21
		1081	0	4	86
		1358	0	2	83
		630	0	0	40
		631	0	7	69
		904	0	2	43
Sardabasen	305	245	0	11	74
		333	0	14	16
		334	0	5	67

1	2	3	4	5	6
Sardabasan	305	335	0	11	33
		336	0	5	67
		351	0	5	67
		353	0	1	21
		355	0	11	74
		243	0	4	5
		482	0	0	80
Baradabar	298	1046	0	5	26
		1047	0	0	40
		471	0	2	83
		994	0	3	24
		406	0	4	5
		374	0	3	24
		148	0	2	83
		149	0	5	26
		475	0	0	81
Kungarhat	296	582	0	2	83
Police Station : Daspur	District : Midnapur		State : West Bengal		
Gomokpota	237	1956	0	0	61
		1610	0	0	20
Palshpai	156	2094	0	0	20
Joyramchak	157	3077	0	0	81
		3078	0	2	42
		792	0	0	20
		3015	0	0	81
		3014	0	0	81
Adampur	228	1647	0	0	20
		149	0	1	21
Faridpur	227	150	0	0	61
		427	0	0	40

[No. R-31015/3/97-OR-I]

K.C. KATOCH, Under Secy.

नई दिल्ली, 15 मार्च, 1997

का. आ. 830:—पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 के उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. 712 (अ) तारीख 11-10-96 द्वारा भारत सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाइप लाइन बिछाने के लिए अर्जित करने का आशय घोषित किया था।

अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार की रिपोर्ट देखी है। तत्पश्चात् भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

इस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार भारत सरकार में निहित होने के बजाय गैस अथॉरिटी आफ इंडिया लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

बाद—अनुसूची

बसेड़ा—भ्रागरा, फीरोजाबाद स्पर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	मौजा	गांदा संख्या	अर्जित क्षेत्र हेक्टेयर में	अन्य विवरण
1	2	3	4	5	6	7
मथुरा	मथुरा	मथुरा	बरीदा मथुराकपुर	261	0.0468	
				262	0.0720	
				263	0.0352	
				264	0.0576	
				290	0.0054	
				259	0.2742	
				258	0.0700	
				257	0.0200	
				255	0.0150	
				291	0.0400	
				292	0.0540	
				253	0.5508	
				351	0.0072	
				349	0.0440	
				352	0.0648	
				178	0.0048	
				177	0.0612	
				176	0.0240	
				171	0.0200	
				145	0.1800	
				165	0.0180	
				166	0.1080	
			बरीदा मथुराकपुर	22	1.7730	हेक्टेयर
				144	0.0310	
				152	0.0504	
				153	0.0684	
				रास्ता	0.0180	
				129	0.0288	
				128	0.0180	
				114	0.0020	
				115	0.0312	
				116	0.0792	
				121	0.0800	
				122	0.0100	
			रास्ता	97	0.1416	
				99	0.0024	
				100	0.1620	
				94	0.0504	

1	2	3	4	5	6	7
मथुरा	मथुरा	मथुरा	बरीदा	72	0.0720	
			मशरकपुर	73	0.1440	
				74	0.0540	
				71	0.0504	
				61	0.0054	
				62	0.1080	
				63	0.3312	
				23	1.5484	
				67	0.1224	
				64	0.1944	
				66	0.0540	
				60	0.0792	
				514	0.0360	
				58	0.0072	
				57	0.0052	
				54	0.0072	
				53	0.0576	
				44	0.0036	
				50	0.2376	
				40	0.3168	
			सम्पूर्ण योग	57	4.4626	हेक्टेयर
			नगला मिजापुर	286	0.0396	
				285	0.0936	
				284	0.0072	
				274	0.1008	
				275	0.1098	
				276	0.0108	
				278	0.0396	
				280	0.0072	
				273	0.0252	
				277	0.0702	
				269	0.0072	
				268	0.1170	
				255	0.0144	
				253	0.0360	
				254	0.0036	
				250	0.0144	
				249	0.1944	
				248	0.0756	

1	2	3	4	5	6	7
मथुरा	मथुरा	मथुरा	नंगला मिर्जापुर	243	0.0596	
				244	0.0450	
				241	0.0072	
				240	0.0072	
				239	0.0936	
				217	0.2142	
				218	0.0108	
				221	0.1080	
				220	0.0990	
				191	0.0216	
				176	0.0360	
				177	0.0936	
				178	0.0648	
				179	0.0072	
				180	0.1980	
				181	0.1116	
				184	0.0306	
				35	2.1746	
					हेक्टेयर	
मथुरा	मथुरा	मथुरा	मेघपुरा	चकरोड	0.0252	
				33	0.1332	
				ग्राम समाज	0.0396	
					0.0288	
				135	0.2016	
				336	0.1008	
				चकरोड	0.0144	
				95	0.0756	
				13	0.0792	
				94	0.1368	
				147	0.0324	
				रास्ता	0.0432	
				79	0.2052	
				90	0.1224	
				गूल	0.0018	
				4	0.1962	
				149	0.1890	
				171	0.0288	
				156	0.0936	
				चकरोड	0.0180	
				196	0.0414	
				चकरोड	0.0180	
				126	0.0414	
				गूल	0.0108	
				121	0.0864	
				नाली	0.0208	

1	2	3	4	5	6	7
मथुरा	मथुरा	मथुरा	मेघपुर	37	0.0936	
				108	0.1224	
				गूल	0.0108	
				172	0.2520	
				130	0.3366	
				नाली	0.0144	
				72	0.0792	
				33	2.8872	
मथुरा	मथुरा	मथुरा	भदाया	350	0.0144	
				349	0.3312	
				355	0.0054	
				356	0.0018	
				399	0.2520	
				398	0.0576	
				397	0.0648	
				396	0.0018	
				372	0.0108	
				373	0.0054	
				375	0.1728	
				376	0.1224	
				395	0.0054	
				393	0.1800	
				387	0.1368	
				388	0.2592	
				389	0.1944	
				303	0.0018	
				302	0.1440	
				301	0.1224	
				चक रोड़	0.0072	
				220	0.3312	
				नाली	0.0018	
				219	0.0648	
				24	2.4894	
			भदाया	221	0.0900	
				224	0.0144	
				222	0.1728	
				चक रोड़	0.0054	
				212	0.0448	
				चक रोड़	0.0072	
				191	0.1512	
				187	0.1512	
				185	0.0400	

1	2	8	4	5	6	7
मथुरा	मथुरा	मथुरा	अदाया	184	0.0180	
				183	0.0352	
				182	0.0540	
				164	0.1368	
				163	0.0054	
				167	0.1980	
				168	0.0450	
				169	0.2340	
				170	0.0360	
				चकरोड	0.0054	
				662	0.2052	
				663	0.3168	
				चकरोड	0.0072	
				742	0.0450	
				740	0.1152	
				चकरोड	0.0054	
				712	0.2376	
				26	2.3772	
			भदाया	715	0.1170	
				717	0.0936	
				716	0.0540	
				722	0.0360	
				725	0.0320	
				724	0.0180	
				723	0.1260	
				यमुना नदी	0.1152	
			सम्पूर्ण योग	58	5.4584	हेक्टेअर
मथुरा	मथुरा	मथुरा	पौरी	456	0.0270	
				264	0.0198	
				226	0.0288	
				222	0.0036	
				223	0.1116	
				224	0.0594	
				225	0.0144	
				221	0.0108	
				219	0.0072	
				220	0.0288	
				227	0.0072	
				255	0.0432	

1	2	3	4	5	6	7
मथुरा	मथुरा	मथुरा	पौरी	253	0.0362	
				254	0.0324	
				256	0.0036	
				252	0.0108	
				232	0.0045	
				233	0.0306	
				235	0.0774	
				चकरोड	0.0072	
				250	0.0684	
				251	0.0324	
				248	0.1638	
				241	0.0018	
				246	0.1134	
				243	0.0162	
				242	0.0792	
				142	0.0090	
				152	0.0180	
				153	0.1512	
				च. रो.	0.0144	
				208	0.0036	
				174	0.0864	
				173	0.0360	
				161	0.0054	
				162	0.0054	
				172	0.1296	
				171	0.0882	
				170	0.0594	
				169	0.0864	
				177	0.0073	
				178	0.0072	
				200	0.0648	
				199	0.0756	
				197	0.0054	
				198	0.0054	
				195	0.0018	
				194	0.1188	
				193	0.0036	
				48	2.0223	हेक्टेयर

1	2	3	4	5	6	7
मथुरा	मथुरा	मथुरा	शहजादपुर	चकरोड	0.0072	
				148	0.0100	
				226	0.1368	
				82	0.0080	
				30	0.2340	
				चकरोड	0.0072	
				59	0.1890	
				रेलवे लाइन	0.1080	
				14	0.1296	
				122	0.0432	
				266	0.1746	
				चकरोड	0.0108	
				224	0.0504	
				251	0.2088	
				137	0.0720	
				189	0.3384	
				सड़क पक्की	0.0576	
			योग	17	1.7856	हेक्टेयर
मथुरा	मथुरा	मथुरा	गोकुलपुर	119	0.0216	
				39	0.1692	
				40	0.0090	
				58	0.1368	
				59	0.0252	
				73	0.0216	
				57	0.2700	
				56	0.0072	
				55	0.0036	
				60	0.0036	
			योग	10	0.6678	हेक्टेयर
मथुरा	मथुरा	मथुरा	पीगरी	484	0.0702	
				387	0.0558	
				386	0.0198	
				444	0.1602	
				चकरोड	0.0144	
				गुल	0.0072	
				737	0.0450	
				554	0.1116	
				503	0.0396	
			कुल योग	9	0.5238	हेक्टेयर

1	2	3	4	5	6	7
मथुरा	मथुरा	मथुरा	बेगमपुर	140	0.0540	
				141	0.0648	
				142	0.1116	
				154	0.0108	
				155	0.2340	
				158	0.0396	
				152	0.0216	
				153	0.0090	
				87	0.0702	
				86	0.1692	
				85	0.0936	
				84	0.0648	
				82	0.0036	
				81	0.0054	
				83	0.0090	
				80	0.0288	
				28	0.0288	
				29	0.0612	
				45	0.0468	
				30	0.0828	
				31	0.1548	
				34	0.0180	
योग				22	1.3824	हेक्टेअर

[सं० एन-14016/04/96-जी०पी०]

अर्धेन्दु सेन, निदेशक

New Delhi, the 15th March, 1997

S.O. 830.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 712(E) dated 11-10-96 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right to User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to

acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

1	2	3	4	5	y
Mathura	Mathura	Mathura	Baroda Mashraq-	261	0.0468
			pur	262	0.0720
				263	0.0352
				264	0.0576
				290	0.0054
				259	0.2742
				258	0.0700
				257	0.0200
				255	0.0150
				291	0.0400
				292	0.0540
				253	0.5508
				351	0.0072
				349	0.0440
				352	0.0648
				178	0.0048
				177	0.0612
				176	0.0240
				171	0.0200
				145	0.1800
				165	0.0180
				166	0.1080
				144	0.0310
				152	0.0504
				153	0.0684
				Rasta	0.0180
				129	0.0288
				128	0.0180
				114	0.0020
				115	0.0312
				116	0.0792
				121	0.0800
				122	0.0100
				97	0.1416
				99	0.0024
				100	0.1620
				Rasta	0.0100
				94	0.0504
				72	0.0720
				73	0.1440
				74	0.0540
				71	0.0504
				61	0.0054
				62	0.1080
				63	0.3312

1	2	3	4	5	6	7
Mathura	Mathura	Mathura	Baroda			
			Mashraqpur	67	0.1224	
				64	0.1944	
				66	0.0540	
				60	0.0792	
				513	0.0360	
				58	0.0072	
				57	0.0252	
				54	0.0072	
				53	0.0576	
				44	0.0036	
				50	0.2376	
				49	0.3168	
			Total :	57	4.4626	Hectares
			Nagla Mirzapur	286	0.0396	
				285	0.0936	
				284	0.0072	
				274	0.1008	
				275	0.1098	
				276	0.0108	
				278	0.0396	
				280	0.0072	
				273	0.0252	
				277	0.0702	
				269	0.0072	
				268	0.1170	
				255	0.0144	
				253	0.0360	
				254	0.0036	
				250	0.0144	
				249	0.1944	
				248	0.0756	
				243	0.0596	
				244	0.0450	
				241	0.0072	
				240	0.0072	
				239	0.0936	
				217	0.2142	
				218	0.0108	
				221	0.1080	
				220	0.0990	
				191	0.0216	
				176	0.0360	
				177	0.0936	
				178	0.0648	
				179	0.0072	
				180	0.1980	
				181	0.1116	
				184	0.0306	

1	2	3	4	5	6	7
Mathura	Mathura	Mathura	Meghpur	Chak Road	0.0252	
				33	0.1332	
				Gramsamaj	0.0396	
					0.0288	
				135	0.2016	
				136	0.1008	
				Chak Road	0.0144	
				95	0.0756	
				13	0.0792	
				94	0.1368	
				147	0.0324	
				Road	0.0432	
				79	0.2052	
				90	0.1224	
				Gool	0.0018	
				4	0.1962	
				149	0.1890	
				171	0.0288	
				156	0.0936	
				Chak Road	0.0108	
				196	0.0414	
				Chak Road	0.0108	
				126	0.0414	
				Gool	0.0108	
				121	0.0864	
				Nali	0.0288	
				37	0.0936	
				108	0.1224	
				Gool	0.0108	
				172	0.2520	
				130	0.3366	
				Nali	0.0144	
				72	0.0792	
			Bhodaya	350	0.0144	
				349	0.3312	
				355	0.0054	
				356	0.0018	
				399	0.2520	
				398	0.0576	
				397	0.0648	
				396	0.0018	
				372	0.0108	
				373	0.0054	
				375	0.1728	
				376	0.1224	
				395	0.0054	
				393	0.1800	
				387	0.1368	
				388	0.2592	
				389	0.1944	

1	2	3	4	5	6	7
Mathura	Mathura	Mathura	Bhadaya	303	0.0018	
				302	0.1440	
				301	0.1224	
				Chak Road	0.0072	
				220	0.3312	
				Nali	0.0018	
				219	0.0648	
				24	2.4894	
			Bhadaya	221	0.0900	
				224	0.0144	
				222	0.1728	
				Chak Road	0.0054	
				212	0.0448	
				Chak Road	0.0072	
				191	0.1512	
				187	0.1512	
				185	0.0400	
				184	0.0180	
				183	0.0352	
				182	0.0540	
				164	0.1348	
				163	0.0054	
				167	0.1980	
				168	0.0450	
				169	0.2340	
				170	0.0360	
				Chak Road	0.0054	
				662	0.2052	
				663	0.3168	
				Chak Road	0.0072	
				742	0.0450	
				740	0.1152	
				Chak Road	0.0054	
				712	0.2376	
				26	2.3772	
				715	0.1170	
				717	0.0936	
				716	0.0540	
				722	0.0360	
				725	0.0320	
				724	0.0180	
				723	0.1260	
				Yamuna		
				River	0.1152	
Grand Total :				58	5.4584	Hector

1	2	3	4	5	6	7
Mathura	Mathura	Mathura	Pauri	456	0.0270	
				264	0.0198	
				226	0.0288	
				222	0.0036	
				223	0.1116	
				234	0.0594	
				225	0.0144	
				221	0.0108	
				219	0.0072	
				220	0.0288	
				224	0.0072	
				255	0.0432	
				253	0.0360	
				254	0.0324	
				256	0.0036	
				252	0.0108	
				232	0.0045	
				233	0.0306	
				235	0.0774	
				Chak Road	0.0072	
				250	0.0684	
				251	0.0324	
				248	0.1638	
				246	0.1134	
				243	0.0162	
				242	0.0792	
				142	0.0099	
				152	0.0180	
				153	0.1512	
				Chak Road	0.0144	
				208	0.0036	
				174	0.0864	
				173	0.0360	
				161	0.0054	
				162	0.0054	
				172	0.1296	
				171	0.0882	
				170	0.0594	
				169	0.0864	
				177	0.0072	
				178	0.0072	
				200	0.0648	
				199	0.0756	
				197	0.0054	
				198	0.0054	
				195	0.0018	
				194	0.1188	
				193	0.0036	
				48	2.0223 Hectare's	
Mathura	Mathura	Mathura	Shahzadpur	Chak Road	0.0072	
				148	0.0100	
				226	0.1368	

1	2	3	4	5	6	7
Muthura	Muthura	Muthura	Shahzadpur	82	0.0080	
				30	0.2340	
				Chak Road	0.0072	
				59	0.1890	
				Rly . Line	0.1080	
				14	0.1296	
				122	0.0432	
				266	0.1746	
				Chak Road	0.0108	
				224	0.0504	
				251	0.2088	
				137	0.0720	
				189	0.3384	
				Road	0.0576	
			Total	17	1.7856	Hectares'
Mathura	Mathura	Mathura	Gokulpur	119	0.0216	
				39	0.1692	
				40	0.0090	
				58	0.1368	
				59	0.0252	
				73	0.0216	
				57	0.2700	
				56	0.0072	
				55	0.0036	
				60	0.0036	
			Total :	10	0.6678	Hectare
Mathura	Mathura	Mathura	Peengari	484	0.0702	
				387	0.0558	
				386	0.0198	
				444	0.1602	
				Chak Road	0.0144	
				Gool	0.0072	
				737	0.0450	
				554	0.1116	
				503	0.0396	
			Total :	9	0.5238	Hectare
Mathura	Mathura	Mathura	Begampur	140	0.0540	
				141	0.0648	
				142	0.1116	
				154	0.0108	
				155	0.2340	
				158	0.0396	
				152	0.0216	
				153	0.0090	
				87	0.0702	
				86	0.1692	
				85	0.0936	
				84	0.0648	

1	2	3	4	5	6	7
				82	0.0036	
				81	0.0054	
				83	0.0090	
				80	0.0288	
				28	0.0288	
				29	0.0612	
				45	0.0468	
				30	0.0828	
				31	0.1548	
				34	0.0180	
Total :				22	1.3824 Hectare	

[No. L-14016/04/96-GP]
ARDHENDU SEN, Director

शुद्धिपत्र

नई दिल्ली, 15 मार्च, 1997

का. आ. 831 :—भारत के राजपत्र दिनांक 26-10-96 के भाग II खंड 3, उपखंड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का. आ. संख्या 2983 से पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अन्तर्गत प्रकाशित अधिसूचना जो कि ग्राम कोठी तालूका भरुच जिले भरुच के संबंध में था, को निम्नानुसार पढ़ा जाए :—

राजपत्र के अनुसार			निम्न संशोधन के अनुसार पढ़ा जाए	
क्रम सं.	सर्वे सं.	क्षेत्रफल हेक्टेयर में	सर्वे सं.	क्षेत्रफल हेक्टेयर में
01.	154	00-18-00	153	00-18-00
02.	165	00-04-50	154	00-04-50
03.	668	00-09-00	669	00-09-00
04.	248	00-01-00	266	00-01-00

[संख्या एल-14016/8/96-जी पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 15th March, 1997

S.O.831.—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 2983 published on 26/10/96 under section (i) of section 3(i) of the Petroleum and Mineral Pipeline (Acquisition of Right of users land in Act 1962 (50 of 1962) in respect of Village Kothi Taluka Bharuch District Bharuch be read as follows :—

As per Gazette			Be read as corrected below	
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
(1)	(2)	(3)	(4)	(5)
(1) 154		00-18-00	153	00-18-00
(2) 165		00-04-50	154	00-04-50
(3) 668		00-09-00	669	00-09-00
(4) 248		00-01-00	266	00-01-00

[No. L-14016/8/96-G-P.]
ARDHENDU SEN, Director

शहरी कार्य और रोजगार मंत्रालय

(शहरी विकास विभाग)

(दिल्ली प्रभाग)

नई दिल्ली, 14 मार्च, 1997

का०आ० . 874.—केन्द्र सरकार राष्ट्रीय राजधानी क्षेत्र दिल्ली की विधान सभा द्वारा चयन किए जाने पर श्री स्वर्ण चन्द राजन, विधायक, श्री साहिब सिंह चौहान, विधायक तथा श्री रामवीर सिंह बिहारी, विधायक को दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 3 की उप-धारा (3) के खण्ड (च) के साथ पठित उपधारा (1) के प्रावधानों के अनुसार एतद्वारा तत्काल प्रभाव से दिल्ली विकास प्राधिकरण का सदस्य मनोनीत करती है।

[सं० के-11011/20/92-डी डी आई ए (खंड-III]

वी० के० मिश्रा, डेस्क अधिकारी

MINISTRY OF URBAN AFFAIRS & EMPLOYMENT

(Department of Urban Development)

(Delhi Division)

New Delhi, the 14th March, 1997

S.O.832,—pursuant to their election by the Legislative Assembly of the National Capital Territory of Delhi the central Government in accordance with the provisions of sub-section (1) read with clause (f) of sub-section (3) of Section 3 of the Delhi Development Act 1957 (61 of 1957), hereby nominates Shri Swaroop Chand Rajan, MLA Shri Saheb Singh Chauhan, MLA and Shri Ramvir Singh Bidhuri, MLA as Member of the Delhi Development Authority with immediate effect.

[No.K-11011/20/92-DDIA(vol. II)]

V. K. MISRA, Desk Officer

नागर विमानन तथा पर्यटन मंत्रालय

(नागर विमानन विभाग)

नई दिल्ली, 12 मार्च, 1997

from 15-11-1996 (afternoon) vice Shri Ashok Pahwa.

[No. AV-24015/005/94-VB]

P. S. RADHAKRISHNA, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 20 फरवरी, 1997

का.आ. 833—भारतीय विमानपत्तन प्राधिकरण अधिनियम, 1994 (1994 का 55) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री अशोक प्रधान, महानिदेशक (पर्यटन) को श्री अशोक पाहवा के स्थान पर 15-11-1996 (अपराह्न) से भारतीय विमानपत्तन प्राधिकरण के निदेशक मंडल के अंशकालीन सदस्य के रूप में नियुक्त करती है।

[संख्या एवी 24015/5/94-बी.बी.]

पी. एस. राधाकृष्ण, अवर सचिव

MINISTRY OF CIVIL AVIATION AND TOURISM

(Department of Civil Aviation)

New Delhi, the 12th March, 1997

S.O. 833.—In exercise of the powers conferred by Section 3 of the Airports Authority of India Act, 1994 (55 of 1994), the Central Government hereby appoints Shri Ashok Pradhan, Director General (Tourism) as part-time Member of the Board of Airports Authority of India with effect

का.आ. 834—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन रेलवे इंस्टीट्यूट, सिकन्दराबाद के प्रबंधन के संबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, I हदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-97 को प्राप्त हुआ था।

[संख्या एल-41012/125/95 आई.आर. (बी-I)]

पी.जे. माईकल, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 20th February, 1997

S.O. 834.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal-I Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Railway Institute Secunderabad and their workman, which was received by the Central Government on the 19-2-97.

[No. L-41012/125/95-IR B-I]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

Present :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated : 30th day of January, 1997

INDUSTRIAL DISPUTE NO. 97 OF 1995

BETWEEN

Shri K. Sivaiah, C/o K. Koteswara Rao, Sr. Steno, to
D.M.E. (P) S. C. Rly., Sanchalan Bhavan, Secun-
derabad. PETITIONER

AND

The Director, Indian Railway Institute of Signal En-
gineering & Telecommunications, IRISSET Complex,
Lailaguda, Secunderabad-500017 RESPONDENT

APPEARANCES :

Sri K. Koteswara Rao, representative for the Petitioner.

Sri A. K. Jayaprakash Rao, Advocate for the Respon-
dent.

AWARD

The Government of India, Ministry of Labour, New Delhi made a reference to this Tribunal by its Order No. L-41012/125/95-IR B-I dt. 8-12-1995 under Section 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its Schedule which reads as follows :

"Whether the management of Indian Railway Institute of Signal Engineering and Telecommunication is justified in terminating the service of K. Shivaiah w.e.f. 17-2-94. If not, to what relief he is entitled to ?"

2. The workman filed a claim statement contending as follows : The workman (hereinafter called as 'Petitioner') was appointed as a Cleaner in the Canteen by the Respondent on 17-8-1989. He was attending to all the works that were entrusted to him. The petitioner is entitled to be treated as Railway Employee as per the Railway Board's letter dt. 15-6-1990 just like the other 7 employees of the Canteen. An option was taken from the petitioner to come under the Pay Scales, 1986. The petitioner is also entitled to be treated as Railway employee as per judgement of Supreme Court, from 1-4-1990. His services were terminated from 17-2-1994 and was again appointed in the Mess for some time. His Provident Fund was returned back to him. His termination is illegal. He is entitled for reinstatement with full back wages and other attendant benefits.

3. The respondent filed a counter contending as follows : The Petitioner was engaged as Casual labour by the Managing Committee of IRISSET Canteen on 17-8-1989 on daily wages and he was paid from the sale proceeds. He worked for 898 days in intermittent spells during the period from August, 1989 to February, 1994. He was not assured that he would become a Railway servant. He was not entrusted with any other work. He was not entitled to give option to come under the Revised Pay Scales, 1986. The regular employees of the Canteen were treated as Railway Employees from 1-4-1990. The petitioner being a casual employee, was not treated as such. He was directed to work in the Trainees' Mess at his request. The Board's letter and Supreme Court's Judgement are not applicable to him. The Canteen was run by the Managing Committee of IRISSET and the Mess is run by the Trainees and they pay the charges. The Petitioner was not engaged in Mess also from September, 1994 due to reduction in the strength of Trainees. When the petitioner was working as a Casual Labour, the Accounts Branch was approached for the sanction of the Post of Sweeper. Sanction was not given by the Accounts Branch, as the Petitioner was engaged as Casual Labour. So the petitioner could not be absorbed in the Canteen. Sri P. Mullaiah who was working as Watchman-cum-Sweeper in Mess was taken as Group 'D' Staff in the Institute. Hence the petitioner is not entitled to any relief.

4. The petitioner-workman examined himself as W.W.1 and filed Exs. W1 to W13. The Asstt. Professor, Signalling of the Respondent was examined as M.W.1 and he filed Exs M1 to M12.

5. The Point for consideration is whether the respondent is justified in terminating the service of K. Shivaiah with effect from 17-2-1994 ?

6. POINT.—The proved facts of the case are as follows : There is the Indian Railway Institute of Signal Engineering and Telecommunications (IRISSET) (hereinafter called as 'Institute'). There is a canteen in the premises of Institute. The canteen is run by the Managing Committee consisting of the President who is nominated by the Director of Institute out of the Professors and Lecturers and the Directors being elected by the staff working in the Institute. The Managing Committee has been making appointments in the canteen. It is a non-statutory recognised canteen in the parlance of Railway Administration. The Railway Administration has been subsidizing the wages of the employees in the Canteen upto 70 per cent. These employees were not treated as Railway Employees. It can be seen from Ex. M6 Attendance Register that there were 8 employees in the Canteen and occasionally casual labour are also employed. The posts are (1) Manager, (2) Counter Clerk or Coupon Clerk (3) Cook, (4) Salesman, (5) Tea Maker, (6) Sweeper, (7) Cleaner and (8) Grinder. The names of the 8 workers can be found in Ex. M12 which is the pay fixation statement of the employees in Non-statutory canteen as on 1-6-1982 in the revised pay scale as per Board's letter dt. 13-5-1983. One Mr. Pochaiah was the Cook then. Sometime in between 1982 and 1989 Pochaiah appears to have left the service of the canteen. We find from Ex. M2 Attendance Register from 1-1-1989 that Mr. Narayana who was the Salesman earlier became Cook and Mr. Mahankali Tea Maker became Salesman. The post of the Tea Maker was not filled up. T. Narsing, D. Bala Pochaiah and Ms. Dhanalakshmi continued as Sweeper, Cleaner and Grinder respectively. Again Mr. T. Narsing who was the Sweeper till November, 1990 was made Tea Maker in December, 1990. He continued as such. The post of Sweeper was not filled up.

7. Now we find from the Counter, exhibits and the evidence of M.W.1 that the petitioner who is appointed as casual labour in 1989 was discharging the functions of the Sweeper. The Committee did not seek the subsidy of the Railway Administration for paying his wages. The wages are paid from the daily collections. The Railway Administration has been giving subsidy for payment of wages to other employees. The committee has been engaging casual labour also in the Canteen. The Railway administration has not been giving subsidy for payment of wages to the casual labour. They are paid out of the Sale Proceeds in the Canteen. The petitioner was engaged as casual labour in August, 1989. Since then he has been working on and off, alongwith other casual labour. Since about March, 1990, he is the only Casual Labour employee in the Canteen. His services were utilised as Sweeper. Perhaps the employees in the non-statutory canteen were paid less wages or lumpsum wages, earlier. They are paid Scale of Pay from 1982 in view of the Supreme Court's interim directions dt. 22-4-83 in CMP Nos. 10191-93/83 (in W.P. Nos. 2275-86/82-M, M. R. Khan & Others Vs. Union of India & others and in W.P. No. 8084/81—Subir Kumar Bagchi & others vs. Union of India and others). While so, the Supreme Court allowed the above Writ Petitions on 27-2-1990 and directed the Railway Administration to treat the employees in subsidized (recognised) non-statutory canteens also as Railway servants with effect from 1-4-1990. The railway sent Ex. M9 circular dated 18-5-90 in this regard and also clarified that "the assessment of man power requirement in the non-statutory (subsidized) recognised canteens should be done based on functional requirement and the same shall be kept to the bare minimum. Any additions to the present strength which might become necessary in future will have to be processed in terms of extant hon orders." The Railway Administration also sent Ex. W1 letter dt. 15-6-1990 stating that as the pay and allowances of the employees of non-statutory (subsidized/recognised) canteens will be borne by the Railway Administration from 1-4-1990 the practice of granting a subsidy to meet 70 per cent of the cost of the staff in these canteens stands discontinued from 1-4-1990. Thereupon the Director of the respondent, Institute submitted Ex. M10

proposal dt. 23-1-1991 to the Financial Adviser and Chief Accounts Officer (FA & CAO) setting out 8 posts and mentioned that a sweeper was operated with casual labour due to increased workload, from 1-8-1989. It is also mentioned therein that the said person has been posted against the vacancy after completion of requisite service w.e.f. 1-1-1991. The petitioner was posted as Sweeper on scale of pay from 1-1-1991 as per Ex. W12 Office Order dt. 28-12-1990. He was paid wages as per scales of Pay for January, 1991. There are some rules in the Railway Administration about the casual employees acquiring temporary status after working for prescribed No. of days. But we need not dwell on this said subject in this I.D. It is not known as to why but Ex. W12 order dt. 28-12-1990 was cancelled by Ex. W13 letter dt. 4-2-1991 with effect from 1-2-1991. The Financial Advisor and Chief Accounts Officer (FA & CAO) by Ex. M1 letter dt. 1-2-1991 agreed for proposal to draw wages to the seven posts except the post of this sweeper whose work is being discharged by the petitioner. The Financial Advisor mentioned in that letter that "as the post of sweeper was not operated in recent periods, the same is not reckoned under the cadre strength." Thus the post of sweeper was not recognised and the Railway administration is not paying wages for that post. The petitioner continued to work as casual labour and he was paid out of the daily collections upto 15-2-1994.

8. The services of the petitioner as casual labour in the Canteen were terminated on 16-2-1994 as there are no funds to pay the wages to him as per the evidence of M.W.1. At the request of the petitioner, he was permitted to work in the Mess as casual labour from 16-2-1994 to September, 1994 intermittently. The mess is run by the students by contributing their funds. M.W.1 stated that No. of trainees become less and so their contribution are less. So the services of the petitioner were terminated in September, 1994. Then he came forward with this dispute.

9. The petitioner contends that

- (1) He should have been absorbed as Sweeper in pursuance to the judgement of Supreme Court from 1-4-90.
- (2) His junior Mallaiah was absorbed as Sweeper.
- (3) In any event his termination on 16-2-1994 amounts retrenchment as he worked more than 240 days and his retrenchment is invalid as Section 25-F of I.D. Act was not followed.

10. It is rightly contended by the learned Advocates for the respondent that this Tribunal cannot decide the points 1 and 2 mentioned above, as the scope of the reference is very limited. The reference is whether the respondent is justified in terminating the services of the petitioner with effect from 17-2-1994. The point as to whether the petitioner is entitled to be absorbed in the Railway Service from 1-4-1990 and as to whether his junior Mallaiah was absorbed as Sweeper are not the subject matter of this reference. This Tribunal is only to decide whether the termination of the petitioner is bad in law. MW-1 admitted that the petitioner worked more than 240 days, if Saturdays, Sundays and Public Holidays are taken as working days between 16-2-1993 and 15-2-1994 i.e. within a period of one year before the date of termination. When once the petitioner worked for more than 240 days in a span of one year counting backwards from the date of termination, the petitioner is a workman within the meaning of I. D. Act and he acquires rights. He could not be retrenched without giving him one month notice or paying one month's pay and also without paying him compensation equivalent to 15 days average pay for every completed year of continuous service or part thereof in excess of 6 months as per Section 25 F (a) and (b) of the I. D. Act. The Railway Administration employs more than 100 persons and it is covered by Chapter-VB. It cannot retrench anybody without obtaining permission from the Government besides giving three months notice or paying wages for three months. So the termination of the services of the petitioner is illegal.

11. An Award is passed directing the respondent to re-instate the petitioner as casual labour in the Canteen and the Petitioner is entitled to continuity of service. He worked in the Mess as well as he worked elsewhere to eke out his

likelihood. So he is not entitled to back wages or any other monetary benefits. He is entitled to minimum wage of a casual worker in the Canteen from one month after the date of publication of Award. The question as to whether the petitioner is entitled to absorption as regular railway employee or whether the Respondent is not justified to appoint Mallaiah instead of the petitioner are not decided in this reference.

Dictated to the Steno, Typist, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal this the 30th day of January, 1997.

V. V. RAGHAVAN, Industrial Tribunal

Appendix of evidence

Witnesses examined for the Petitioner :

WW-1—K. Sivayya

Witnesses examined for the Respondent :

MW-1—T. Padmanabha Rao.

Documents marked for the Petitioner

- Ex. W-1—Xerox copy of Board's letter No. E(W)/90 CN 1—9 dated 15-6-90 regarding implementation of Supreme Court's Judgement.
- Ex. W-2—Xerox copy of Board's Lr. No. E(W)/91/C-1/Master Circular dated 29-11-91 regarding canteen in Indian Railways.
- Ex. W-3—Copy of application dated 21-6-90 of the petitioner to the Director, IRISER, Secunderabad requesting for fixation of pay.
- Ex. W-4—Copy of application dated 15-12-93 of the petitioner to the Director, IRISER requesting for the benefit of Railway Servant and for payment of arrears.
- Ex. W-5—Xerox copy of Service Certificate of the petitioner dated 2-6-94.
- Ex. W-6—Xerox copy of Receipt about the submission of P.F. Nomination.
- Ex. W-7—Xerox copy of extract of Pass Book of the Petitioner in State Bank of Hyderabad.
- Ex. W-8—Xerox copy of application dated 26-8-94 to the Regional Labour Commissioner by the petitioner.
- Ex. W-9—Xerox copy of representation dated 27-10-1994 of the Union to the A.L.C. (Central), Hyderabad.
- Ex. W-10—Xerox copy of application dated 22-2-95 of the petitioner to the Director IRISER, Secunderabad.
- Ex. W-11—Copy of application dated 15-12-93 of the Petitioner.
- Ex. W-12—Xerox copy of office Order No. 2 of 1990 dated 28-12-90 posting the petitioner as Sweeper.
- Ex. W-13—Xerox copy of letter dated 4-2-91 terminating the petitioner.

Documents marked for the Respondent

- Ex. M-1—Xerox copy of appointment order of T. Mallaiah dated 24-1-94.
- Ex. M-2—Xerox copy of letter dated 27-1-94 about joining report of T. Mallaiah.
- Ex. M-3—Attendance Register for the period from 1-1-89 to 31-12-1990.
- Ex. M-4—Attendance Register for the period from 1-1-91 to 30-6-91.
- Ex. M-5—Attendance Register for the period from 7/91 to 10/93.
- Ex. M-6—Attendance Register for the period from 1/91 to 2/94.

- Ex. M-7—Xerox copy of attendance particulars of the petitioner in Mess.
- Ex. M-8—Xerox copy of working days particulars of the petitioner.
- Ex. M-9—Xerox copy of the letter dated 18-5-90 regarding implementation of Supreme Court Judgment.
- Ex. M-10—Xerox copy of proposal (letter) dated 23-1-91 showing the vacancy position.
- Ex. M-11—Xerox copy of letter dated 1-2-1991 of the FA and CAO about the implementation of Supreme Court Judgment.
- Ex. M-12—Xerox copy of Statement showing the fixation of pay of the employees in Non-statutory canteen as on 1-6-82 as per Board's letter dated 13-5-83.

नई दिल्ली, 25 फरवरी, 1997

का.आ. 835—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया, अरनाकुलम, कोचीन के प्रबंधन के संबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार लेबर कोर्ट, अरनाकुलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-2-97 को प्राप्त हुआ था।

[संख्या एल-12012/118/92-आई आर बी-iii/बी-i]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 25th February, 1997

S.O. 835.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Labour Court, Ernakulam was shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India, Ernakulam, Cochin and their workman, which was received by the Central Government on 24-2-1997.

[No. L-12012/118/92-IR (B-III/B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT,
ERNAKULAM

(Labour Court, Ernakulam)

(Tuesday, the 21st day of January, 1997)

PRESENT :

Shri Varghese T. Abraham, B.A., LL.M., presiding
Officer.
Industrial Disputes No. 2 of 1993 (C)

BETWEEN

The Deputy General Manager, State Bank of India,
Zonal Office, Shanmugham Road, Ernakulam,
Cochin-682011.

AND

Smt. Lilly Varghese Kochuparambil House, Moolop-
padam Colony, Kalamassory Post, Distt. Ernakulam-
683104.

REPRESENTATIONS :

Sri K. K. Chandran Pillai, Advocate, Azad Road,
Cochi-17 ... For Management

Sri Shyam, Advocate, Warriar Road, Kochi-16
... For Workman.

AWARD

The Government of India as per Order No. L-12012/118/92-IR (B-III)/(B-I) dated 19-1-93 referred the following industrial dispute for adjudication :

"Whether the termination of services of Smt. Lilly Varghese, Daily wage Sweepers by the management of State Bank of India w.e.f. 21-7-90 is legal and justified ? If not, to what relief(s) the workman is entitled to ?"

2. No instruction from the workman is reported (vide endorsement on the claim). As such it follows that the workman is not interested in pursuing the dispute.

In the result, reference is answered holding that no industrial dispute is pending to be adjudicated.

Pronounced in open court on this the 21st day of January, 1997.
Ernakulam.

VARGHESE T. ABRAHAM, Presiding Officer

नई दिल्ली, 26 फरवरी, 1997

का.आ. 836—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया, मेरठ के प्रबंधन के संबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-2-97 को प्राप्त हुआ था।

[संख्या एल-12012/30/95-आई आर (बी-I)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 26th February, 1997

S.O. 836.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, Meerut and their workman, which was received by the Central Government on 25-2-1997.

[No. L-12012/30/95-IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR
Industrial Dispute No. 60 of 1996

In the matter of dispute :

BETWEEN

Sri V. K. Gupta (General Secretary),
U.P. Bank Employees Congress,
2/363, Namnair,
Agra.

AND

Asstt. General Manager,
Region-IV,
State Bank of India,
Gadh Road,
Meerut.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/30/95-IR (B) dated 2-7-96,

has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of State Bank of India, Zonal Office, Meerut in reverting Shri Ram Saran from the post of Hawaldar to the post of Messenger and his transfer to State Bank of India, Shamli Branch is just and legal? If not, to what relief is the workman entitled?

2. It is not necessary to give details of the case as on 13-1-97 representative of the concerned workman files application as not pressed the case. Hence the reference answered against the concerned workman for want of prosecution and proof and concerned workman is not entitled for any relief. Dated : 20-2-1997

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 फरवरी, 1997

का.या. 837.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे, झांसी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-2-97 को प्राप्त हुआ था।

[संख्या एन-41012/48/93-आई आर (बी)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 27th February, 1997

S.O. 837.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway Jhansi and their workman, which was received by the Central Government on 25-2-1997.

[No. L-41012/48/93-IR (B)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 17 of 1995

In the matter of dispute :

BETWEEN

Sri Surendra Singh
President,
Rashtriya Chaurth Shreni Rail Mazdoor Congress.
(INTUC),
4, Hoera Pura, Nagra,
Agra.

AND

Mandal Rail Prabandhak,
Central Railway,
Jhansi.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-41012/48/93-IR (B) dated 13-1-95 has referred the following dispute for adjudication to this Tribunal—

Kya Divisional Railway Manager, Central Railway, Jhansi Dwara Shri Shambhoo Dayal ko dinank 3-5-98 se sewase nishkasit karna nyayochit hai? Yadi nani to sambandhit karamkar kis anutosh ka haqdar hai?

2. It is not necessary to give details of the case as on 3-2-97 representative of the concerned workman made a endorsement as not pressed the case. Hence the reference answered against the concerned workman for want of prosecution and proof and concerned workman is not entitled for any relief.

Dated : 20-2-1997

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 3 मार्च, 1997

का.या. 838.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सरकार श्याम क्यायारी वर्कर्स के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[सं. एन-29012/44/93-आई आर (विविध)]
बी. एम. डेविड, डेस्क अधिकारी]

New Delhi, the 3rd March, 1997

S.O. 838.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Shyam Quarry Works and their workman, which was received by the Central Government on 3-3-1997.

[No. L-29012/44/93-IR (Misc)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI P. R. DAVE, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CENTRAL, AHMEDABAD

Reference (ITC) No. 16 of 1994

ADJUDICATION

BETWEEN

M/s. Shyam Quarry Works, Vadagam Sabarkantha
.. First party

AND

The Workmen employed under it .. Second party

In the matter whether the action of the management of M/s. Shyam Quarry Works, Vadagam (Sabarkantha) in terminating the services of Shri Ramanbhai Jethabhai Solanki w.e.f. 30-12-92 is legal and justified? If not, to what relief the workman is entitled to?

APPEARANCES :

None—for the first party and second party.

AWARD

By an Order No. L-29012/44/93-IR (Misc.) dated 18th August, 1994, the Desk Officer, Ministry of Labour, Government of India, Shram Shakthi Bhawan, Rafi Marg, New Delhi has referred an industrial dispute as stand in the Schedule of above order between the above parties u/s. 10(1)(d) of the I. D. Act, 1947, for adjudication initially to the Industrial Tribunal of Shri D. V. Joshi and thereafter it was transferred to this Tribunal by an appropriate order of the Government.

Notices were issued to both the above parties directing them to remain present before this Tribunal. But, on most of the dates, the above parties remained absent and, therefore, this Tribunal had to make several adjournments. However, ultimately, the matter was fixed for hearing on 28-1-97 and on this day also, neither the Union/concerned workman remained present nor the statement of claim was filed. From

this, it is quite clear that the above parties are not interested to proceed with this reference and hence I pass the following order :—

ORDER

The reference is dismissed for non-prosecution and it is disposed off accordingly with no order as to costs.

P. R. DAVE, Presiding Officer

नई दिल्ली, 3 मार्च, 1997

का.मा. 839.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबंधन के संबंध में निम्नलिखित विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

[सं. एल-32012/4/89-आई.आर. (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 3rd March, 1997

S.O. 839.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workman, which was received by the Central Government on.

[No. L-32012/4/89-IR (Misc)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 23 of 1989

PARTIES :

Employers in relation to the management of Calcutta Port Trust, Calcutta

AND

Their workmen.

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCE :

On behalf of Management—Mr. G. Mukhopadhyaya, Senior Labour Officer (IR).

On behalf of Workmen—Mr. S. Chatterjee, Joint Secretary of the Union.

STATE : West Bengal

INDUSTRY : Port

AWARD

By Order No. L-32012/4/89-IR (Misc.) dated 26-7-1989 the Central Government in exercise of its powers under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for

adjudication :

"Whether the action of the management of Calcutta Port Trust in imposing punishment on Shri Adhir Chandra Dey, Security Guard attached to Port Security Organisation by way of deferment of annual grade increment for a period of 2 years without cumulative effect is justified? If not, to what relief the workman is entitled?"

2. Both the parties have filed their written statements, followed by a rejoinder of the union.

3. The case of the union, stated in brief, are as follows.

The concerned workman Shri Adhir Chandra Dey at the material time was a Security Guard and was working under the Port Security Organisation. The Secretary of the Calcutta Port Trust was the head of the department of the said Port Security Organisation. According to the Calcutta Port and Shore Mazdoor Union who had taken up the case of the workman before the Conciliation Officer and appears before the Tribunal, on 1-7-1984 the workman was deployed as a "Gunman" in the night shift at East Gate, Kantapukur at about 1 A.M. The workman received a letter dated 28-8-1984 from the Security Adviser marked Ext. M-2 requiring an explanation from him as why disciplinary action should not be taken against him as he was found sleeping on gun duty, which amounted to misconduct. The workman had submitted his explanation on 12-9-1984 marked Ext. W-1 wherein the workman denied the allegation and had stated that during the night of 1-7-1984 after performing his duty of going round the port, he reached the east gate, Kantapukur at one O'clock and advised his helper to go on a round towards 'X' shed K.F. While he was sitting under a tree at the east gate, he found a mobile van approached the East Gate which ultimately crossed him and stopped nearby. He went near the van and found Shri K. D. Biswas sitting inside, who asked him to produce his pocket book and on production Shri Biswas had written something which he could not read in the darkness of the night and there was no other light. He only saw on the following morning that Shri Biswas had endorsed a remark that he was found sleeping. The Secretary of the CPT (Calcutta Port Trust) was not satisfied with his explanation and by his order dated 18 January 1985 passed the impugned order stopping the next annual grade increment of his for a period of 2 years without cumulative effect. The said impugned order has been marked Ext. M-3.

Not being satisfied with the order, the workman preferred an appeal to the Chairman, who however rejected the said appeal. The order rejecting the appeal was communicated to the workman by the Security Officer by his letter dated 17-5-1985 marked Ext. M-7 in the case.

The grievance of the union is that on the face of denial of the allegation, the disciplinary authority should not have passed any order without an enquiry and without following the procedure as indicated in the Calcutta Port Commissioners Employees (Discipline and Appeal) Rules, 1964. The disciplinary authority had not issued even a statement of allegation on the basis of which the charge was framed and the whole action was malafide as Shri Dey the concerned workman an active member of the union and the action was intended not only to victimise but to refrain him from activities or organising the workers and employees of the Port Security Organisation. The workman had a clean past record and was an ex-military personnel. According to the workman serious injustice has been occasioned to him because of the impugned order of punishment.

4. The union from their side had examined only one witness before this Tribunal who was the workman himself and though lots of documents had been filed by the union, only one has been exhibited as Ext. W-1 which is the reply of the workman to the show cause notice (Ext. M-1) issued by the Security Adviser. I, therefore, cannot take into consideration the other documents filed by the union in the case which they have failed to prove and make exhibits in the case. There was no prayer also made later at the time of argument, if any of these documents would be taken for consideration for being relevant.

5. The Calcutta Port Trust, as the management had filed their written statement under the signature of the Labour Adviser and Industrial Relations Officer of the CPT. Their case as enumerated in the written statement are as follows.

The concerned workman Shri Adhir Chandra Dey being an employee of the Calcutta Port Trust was governed by the Calcutta Port Commissioners (now trustees) Employees Discipline and Appeal Rules, 1964 hereinafter to be referred as Rules which had received the approval of the Central Government. The concerned workman was detailed for duty at East Gate, Kantapukur from 22 Hrs. till 6 O'clock in the morning as he was in the night shift on 2-7-1984. While on duty he was found sleeping which was detected by Shri K. D. Biswas, Inspector, Port Security Organisation at about 10 minutes past one in the night and on the basis of the report of the Inspector, in terms of Rule 12 of the aforesaid Rules, the workman had been informed of his misconduct and was asked to explain why disciplinary action should not be taken against him. It was admitted by the management that this letter seeking explanation was done under the Security Adviser's letter dated 23-8-1984 already referred to, to which Shri Dey submitted his reply on 12-9-1984 not admitting the charge allegation. According to the management, for imposition of minor penalty, the procedure is detailed in Rule 12 of the aforesaid Rules, which is quoted below :

"12. Procedure for imposing minor penalties.—No order imposing any of the penalties specified in Clauses (i) to (iii) of Rule 9 shall be passed except after—
(a) the employee is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make; (b) Such representation, if any, is taken into consideration by the disciplinary authority; (2) The record of proceedings in such cases shall include—(i) a copy of the intimation to the employee of the proposal to take action against him; (ii) a copy of the statement of allegation communicated to him; (iii) his representation, if any, and (iv) the orders on the case together with the reasons therefor."

In paragraph 6 of the written statement, the management has categorically stated that the Secretary is the disciplinary authority in case of Shri Dey according to the 1964 Rules referred to earlier and before the impugned punishment was imposed by the Secretary, requirements of the procedure contained in Rule 12 were meticulously followed as the workman was informed in writing of the proposal to take action against him informing the allegation on which it was proposed to take action and calling for explanation and the workman had denied the charges in his explanation. The Secretary, thereafter passed the order imposing the minor penalty of deferment of annual grade increment for a period of 2 years without cumulative effect, after not being satisfied with the said explanation and the order of punishment was communicated by letter dated 18-1-1985 of the Secretary. It is admitted by the management that Shri Dey had preferred an appeal to the Chairman of the Calcutta Port Trust who is the appellate authority, who had rejected the appeal by following order :

"I have gone through the records of the case, some of the original documents and registers and the appeal petition of Shri Dey, Security Guard No. 258. I also heard Shri Dey and his representative and have given full consideration to his plea. There is no doubt that the charge against him has been established. The lapse of Shri Dey is very serious as he was in charge of a Gun, which he was supposed to carry. The punishment that has been awarded is a minor penalty of deferment of grade increment for a period of two years without cumulative effect. I, therefore, find no reason to interfere with the above order. The appeal is, therefore, rejected."

Since a minor penalty was to be imposed and called for in the circumstances taking into consideration the gravity of the charge, the procedure indicated in Rule 12 was to be followed and a detailed enquiry was not necessary as is required for imposing major punishment. The management therefore justifies their action stating that there was no malice

on the part of the management, as the workman was found sleeping while on duty the action of the management was bonafide and need not be interfered with.

6. The management has examined two witnesses before the Tribunal. Shri K. D. Biswas the Officer who found the delinquent sleeping at the material time, has been examined here as MW-1 and Shri P. K. Chakraborty who is a Security Officer of the Calcutta Port Trust as MW-2. These two witnesses for the management have substantiated the case of the management that they found this delinquent sleeping while they were going round for inspection during the night of 2-7-1984. The management has also proved a document marked Ext. M-1 which is a general diary which shows that Shri Adhir Chandra Dey was found sleeping at 0/10 hours on 2-7-1984. The General Diary also mentioned the date 2-7-1984 on the top.

7. After going through the pleadings and the evidence recorded, I find that one gross error had been committed from the side of the management in initiating the disciplinary proceeding against the delinquent. While it was categorically stated by the management in paragraph 6 of their written statement that the Secretary of the CPT (Trustees) was the disciplinary authority in case of the delinquent, the Security Adviser who admittedly is an inferior authority to the Secretary of the CPT initiated the disciplinary proceeding by issuing the chargesheet which vitiates the entire proceeding, even though ultimately the order imposing the punishment was done by the proper authority namely the Secretary himself. In this view of the matter, the punishment cannot stand and is bound to be set aside as the disciplinary proceeding was initiated by an authority having no jurisdiction.

8. In the result, the impugned punishment is held bad in law, being a nullity having been passed in a proceeding initiated by an authority without having jurisdiction. The workman Shri Adhir Chandra Dey is entitled to all the financial benefits he has been denied by the wrongful and illegal order.

The reference is answered accordingly.

Dated, Calcutta,

The 13th February, 1997.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 5 मार्च, 1997

का.आ. 840.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-97 को प्राप्त हुआ था।

[सं. एल-32011/19/88-डी.-III (बी.)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 5th March, 1997

S.O. 840.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workman, which was received by the Central Government on 5-3-1997.

[No. L-32011/19/88-DIII(B)]

B. M. DAVID, Desk Officer

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 15 of 1989

PARTIES:

Employers in relation to the management of Calcutta Port Trust, Calcutta.

AND

Their workmen.

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCES:

On behalf of Management : Mr. G. Mukhopadhyaya, Senior Labour Officer and Mr. M. K. Das, Senior Labour Officer.

On behalf of Workmen : Mr. S. Das, Secretary of the Union.

STATE: West Bengal.

INDUSTRY: Port.

AWARD

By Order No. L-32011/19/88-D.III(B) dated 11-4-1989 the Central Government in exercise of its powers under Section 10(1)(a) and (4A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Calcutta Port Trust in fixing the duty hours of Peons and Cycle-Peons working in different administrative offices of Calcutta Port Trust from 9.30 A.M. to 5.30 P.M. on all working days and for other set of employees such as clerical staff, Dattary, Record Sorter etc. in the same office from 10 A.M. to 5 P.M. from Monday to Friday and from 10 A.M. to 1.30 P.M. on Saturday is justified. If not, to what relief the concerned workmen are entitled?"

2. The workmen and the management filed their written statements, followed by a rejoinder of the workmen.

3. The sole claim of the workmen is that while the working hours of the employees such as clerical staff, Dattary, Record Sorter etc. in the different administrative offices of the Calcutta Port Trust is from 10 A.M. to 5 P.M. from Monday to Friday of the week and 10 A.M. to 1.30 P.M. on Saturday of the week, the action of the management of the CPT in fixing a different duty hours for the Peons and Cycle-Peons in different administrative offices of the CPT by fixing it from 9.30 A.M. to 5.30 P.M. on all working days, is not justified and they are entitled to the overtime wages, if they are allowed to work for more hours than the other employees such as clerical staff etc. as mentioned above, for the period of excess work the Peons and Cycle-Peons required to put in.

4. The workmen have filed only two documents. Ext. W-1 is the xerox copy of a token of a Peon by name Md. Taiyab of the Calcutta Port Trust. Ext. W-2 is a representation addressed by the 109 Peons attached to different CPT offices addressed to the Deputy Chairman, Calcutta Port Trust dated 20-7-88 wherein they have alleged that since they are required to work from 9.30 A.M. till 5.30 P.M. in all the days of the week namely Monday to Saturday, whereas the other staff of the said establishment were only required to work between 10 A.M. to 5 P.M. on all days from Monday to Friday and between 10 A.M. to 1.30 P.M. on Saturday only. Accordingly, each one of them required to work 9-1/2 hours of extra work every week when compared with the duties of their counterparts in the different offices to which they belong for which they do not get any extra payment. They should be allowed to work for the same period with the other office staff of the said establishment.

5. The management however in their written statement had asserted that the action of the management in fixing a little more duty time to the Office-Peons and the Cycle-Peons in

the different administrative offices of the CPT is justified on the ground because of the nature of the job of these Peons, they are to report to the office little early and also leave the office little latter, after other staffs leave and this period not being in excess of the period fixed for a workman to work namely 8 hours a day, there being no extra work having been rendered by them beyond 8 hours period, requiring any overtime wage/pay to them.

Though there were several settlements gone into between the management and the different unions including the one which has now sponsored the case regarding wage and service conditions of the workmen working in the Calcutta Port and Dock, it was never been an issue between them regarding the change of this working hours or there is no allegation by the workmen that they are allowed to work for more period than they are required to work. The claim of the workmen is therefore not justified and has to be rejected.

6. The management however had filed several documents numbering about 22 and examined three witnesses from their side as against four witnesses from the side of the workmen.

7. The duty hours of Peons and Cycle-Peons working in different administrative offices under the CPT is admittedly from 9.30 A.M. to 5.30 P.M. on all working days with half an hour recess. By saying all working days, it means from Monday to Saturday, inclusive of both days. This fact is borne out from the deposition of the Workmen Witness No. 1 as well as from Workmen's Witnesses WW-2, WW-3 and WW-4, whereas the duty hours of the clerical staff, Dattary, Record Sorter etc. in the same administrative offices is from 10 A.M. to 5 P.M. on all days from Monday to Friday with half an hour recess and from 10 A.M. to 1.30 P.M. on Saturday, which is also borne out in the deposition of the Workmen's Witnesses WW-1, WW-2 and WW-3.

8. According to paragraph 3 of the written statement of the management the duties that are carried out by the Peons and Cycle Peons include cleaning/washing cups, plates and tumblers as well as dusting and cleaning the tables, chairs, furnitures etc. before the arrival of the Officers and other staff to their respective departments. This statement has not been contradicted by the workmen. In paragraph 4 of their written statement, the management had asserted that for efficient and proper functioning of the office, it was necessary that Peons and Cycle-Peons should start their work before the other employees come into the office and stay into the office for sometimes after all the employees depart and the working hours of the Peons and Cycle-Peons is from 9.30 A.M. to 5.30 P.M. with half an hour recess on all working days from Monday to Saturday and are covered by the Minimum Wages Act as notified by the Ministry of Labour dated 7-3-51. If they required to work beyond the schedule hours, then only they are paid overtime wages. Their working hours were fully in consonance with the provisions contained in the Minimum Wages Act, 1948 read with Minimum Wages Rule, 1950 and since inception, the Peons and Cycle-Peons having the schedule working hours from 9.30 A.M. to 5.30 P.M. with half an hour recess, whereas the office functions from 10 A.M. to 5 P.M. This fact is not disputed by the rejoinder of the workmen which is filed subsequent to the written statement of the management. The above mentioned facts therefore stand undisputed.

The Central Wage Board for the Port and Dock Workers of major ports was constituted in the year 1964, before which, according to the management, the workers Unions never raised any question regarding this duty hours. Even subsequent to that, when Wage Revision Committee was constituted in the year 1974, where the conditions of service of Class-III and IV employees of the major ports and Dock Labour Boards were being considered, this working hours of the Peons and Cycle-Peons in the administrative offices of the CPT, if at all considered discriminatory, harassing or otherwise illegal, was never considered by them as the union did not consider that to be unreasonable. Three more settlements dated 1-1-1981, 11-4-1984 and 12-6-1989 were also arrived between the federations of unions operating in major ports and Dock Labour Boards in India and the Government of India, to which the present union, which has taken-up the cause of the workmen, was a party in the latter two settle-

ments namely the settlement dated 11-4-1984 and 12-6-1989, but never raised any demand regarding the scheme working hours of the Peons and Cycle-peons. This assertion made in paragraph 7 of the written statement of the management is also not disputed by the union in their rejoinder.

9. The management raised a point that this union had failed to prove its representative character in taking up the case of the 109 Peons whereas altogether 721 Peons and Cycle-peons are working under the Calcutta Dock system of CPT. The management as such raised their objection in paragraph 8 of the written statement, challenging the representative character of the union as according to them since the other Peons have no grievance, at the instance of the small number of Peons, the union could not have taken-up a general issue so as to bind the total number of Peons and Cycle-peons numbering about 721. As such, their demand is not one capable of being treated as an industrial dispute.

10. It is however seen from one of the management's exhibits, Ext. M-1 that 134 Peons and Cycle-Peons had subsequently written on 12-10-1988 to the Deputy Chairman stating and referring therein to their earlier representation dated 20-7-1988 that these 134 Peons/Cycle-Peons were members of the National Union of Waterfront Workman (1) who are authorised to represent them before the appropriate authority and indeed, as a matter of fact, this union is before the Tribunal to represent the workmen.

11. In support of the contention of the management, the management has filed the settlement dated 14th July, 1977, Ext. M-7, settlement dated 4th January, 1981, marked Ext. M-8, settlement dated 1st January, 1984 marked Ext. M-9 and the settlement of Wage Revision of Port and Dock Workers of Major Ports dated 12th June, 1989 marked Ext. M-10 in order to show that in none of these settlements, no grievance was raised by any of the unions or federations participating, regarding this duty hours of the Peons and Cycle-Peons in the administrative offices of the CPT. They have also relied on Ext. M-11 which is an xerox copy of the minutes of discussion held with the representatives of the All India Port and Dock Workers Federation and other concerned labour unions held in May and June, 1989 in order to substantiate their contention that this little extra work the Peons and Cycle-Peons required to do in the administrative offices of the CPT when compared with the other staff of the same office, was never considered unreasonable so as to be placed for discussion. On the other hand, they relied on relevant extracts of report of the Wage Revision Committee, Ext. M-12 which only set out in paragraph 8.25 that the payment for overtime is only required to be made when the work is in excess of the normal hours of work which may arise in respect of the works done in the following situation :

- (i) Work during recess time in a shift ;
- (ii) Work beyond schedule shift hours or office hours ;
- (iii) Work in the next shift in continuation of the work in the shift ;
- (iv) Work in a 12 hours shift ;
- (v) Work on a weekly day of rest ; and
- (vi) Work on a festival or national holiday.

12. The contention of the management is that the total period of work required of the Peons and Cycle-Peons is not more than 8 hours a day and there is no law shown by the workmen that the working hours is less than 8 hours a day under any Statute or Standing Order. As such they are not to get any overtime to any of these Peons or Cycle-Peons.

13. In refuting one of the allegations of the workmen that the management had also allowed overtime wages to some of the Peon and Cycle-Peons, the management had filed Ext. M-21 showing the Peons and Cycle-Peons who have been paid overtime wages, when they had actually worked beyond this office hours 9.30 A.M. to 5.30 P.M.

14. The Hon'ble Supreme Court in the case between Karamchan Thapper Brothers Ltd. and their workmen, re-

ported in 1964(1)LLJ 429 at page 433 first column has held thus :

".....The Company's case was that having regard to the nature of duties of the Peons and Sweepers, it was not practicable to observe same hours for them as for other employees. It was rightly pointed out that for proper working of the office it is necessary that Sweepers and Peons should start their working sometime before the other employees come and should stay on sometime after the other employees depart. The Tribunal had recognised this position and had ordered that it will be open to the Company to direct the subordinate staff to attend office half an hour before the normal time, to be regulated by a system of rotation, subject to overtime wages being paid at the rates fixed by the award for working beyond 4.30 P.M. on week days and 1.30 P.M. on Saturdays."

In the case before the Hon'ble Supreme Court, the concerned Company had fixed the working hours for the subordinate staff whose cases were referred for adjudication from 9.30 A.M. to 4.30 P.M. on week days, barring Saturday and from 9.30 A.M. to 1.30 P.M. on Saturdays.

15. Following this principle, I also come to hold that in the present case the CPT having fixed the working hours of the Peons and Cycle-Peons, taking into consideration their nature of work, to come to the office before half an hour of the regular office hours and to leave the office half an hour after the closure of the office hours is just and proper, particularly, on the face of the fact that the normal office hours is for 8 hours and no evidence has been led or attention has been drawn to any Standing Orders or Statute to show that the normal office hours is less than 8 hours in any case.

16. It is the evidence of the workman as per WW-4 that the duty hours of theirs is 9.30 A.M. to 5.30 P.M. but they did not feel any personal difficulties for the same. It is the evidence of WW-3 that the Record Peons are different from the Cycle-Peons. It is also not the demand of the workman that this working of one hour more is only given to a small group of Peons or Cycle-Peons from amongst the 721 Peons and Cycle-Peons and therefore, they should be allowed to work in rotation. In which case, I would have considered if the same direction as was given by the Hon'ble Supreme Court in the case referred to above by giving the direction that this duty should be done in rotation. The evidence of other witnesses examined on behalf of the workmen are virtually very similar and I do not consider them very much relevant for adjudication of the particular question in issue.

17. Regarding the maintainability of this dispute by the Union, taken into consideration the evidence of the workman that this is the only union which canvassed the benefits of the Peons, I do not come to a finding that the dispute is not maintainable on account of the fact that all the 721 persons did not make any representation to the management. It is enough that this union has raised a dispute before the management for Peons and Cycle-Peons, which means not only the 134 persons who made the representation in Ext. M-1, but all the Peons and Cycle-Peons serving in the administrative offices of the Calcutta Port Trust.

18. Accordingly, while holding that the reference is maintainable I hold that the action of the management of the Calcutta Port Trust in fixing the working hours of the Peons and Cycle-Peons working in different administrative offices of the Calcutta Port Trust from 9.30 A.M. to 5.30 P.M., is justified and the workmen are not entitled to any relief on that account.

The reference is answered accordingly.

Dated, Calcutta,

The 24th February, 1997.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 5 मार्च, 1997

का.ग्रा. 841—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-97 को प्राप्त हुआ था।

[सं. एल-32012/5/93-आई.ग्रा. (विधि)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 5th March, 1997

S.O. 841.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workman, which was received by the Central Government on 5-3-1997.

[No. L-32012/5/93-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 12 of 1994

PARTIES :

Employers in relation to the management of Calcutta Port Trust

AND

Their workmen.

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCE :

On behalf of Management—Mr. G. Mukherjee, Senior Labour Officer and Mr. M. K. Das, Senior Labour Officer.

On behalf of Workmen—Mr. R. N. Chandra, Presiding of the Union and Mr. H. Dasgupta, General Secretary of the Union.

STATE : West Bengal

INDUSTRY : Port

AWARD

By Order No. L-32012/5/93-IR (Misc.) dated 1-3-1994 the Central Government in exercise of its powers under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Port Trust in terminating the services of Shri Ashoke Hella, ex-sweeper, Office of the Deputy Chief Engineer, River Training Wing, Calcutta Port Trust w.e.f. 1-4-92 was justified or not? If not, what relief the workmen is entitled to?"

2. Both the workmen and the management have filed their written statement, followed by a rejoinder of the workmen.

3. The case of the union is that the present workman Shri Ashoke Hella who belonged to Scheduled Caste, was sponsored by the Regional Employment Exchange and was taken to the service of the Calcutta Port Trust as a Group-D staff as a Topaz (sweeper) attached to RS-V Triveni and was given the temporary status since the date of his joining on 6-5-1983. His job, however been terminated with effect from 1-4-1992. It is the case of the workman that he had put in 700 days of work during this period between 6-5-1985

and 1-4-1992. The break introduced into his service was very arbitrary and there was no basis for such breaks. According to him because of his long period of work, he should be treated as a regular employee of the CPT and even at the time of termination, there was necessity for the work which he was doing, therefore the termination was malafide.

The contention of the union therefore, that the termination is illegal, malafide and intentional and was in contravention of Section 25-F of the Industrial Disputes Act, 1947. According to the workman, the malafide is still apparent from the fact that when the workman was engaged in his last spell of work for about 3 months, which was to come to an end on 11-5-1992, his services have been terminated prematurely on 1-4-1992. The workman therefore makes their prayer that the workman should be reinstated in his work as a sweeper from the very date of his termination with all back wages and benefits.

4. The case of the management is that a project namely Comprehensive Project for Improvement of draft in the river Hooghly had been undertaken by the Calcutta Port Trust which is borne out in paragraph 5 of the written statement of the CPT and not challenged by the workmen. The management has also examined the Executive Engineer posted in the River Training Wing Shri Subir Kr. Sengupta as MW-1. This Comprehensive Project was for the improvement of the draft of the River Hooghly which according to the management has been closed with effect from 30-6-1992. MW-1 has categorically stated in his examination in chief that the Comprehensive Project in which Shri Hella has been appointed, is closed since June 1992 and the project was temporary one. The appointment of Shri Ashoke Hella was purely temporary and his appointment was for different specific periods on different spells and Shri Hella was not working continuously under the Calcutta Port Trust and since the work was purely contractual and temporary, his service was terminated under the terms and conditions of his letter of appointment and no illegality has been committed by the management.

5. The workman has been examined as his sole witness before the Tribunal, whereas the management had examined Shri Subir Kumar Sengupta an Executive Engineer posted at the River Training Wing, as already stated, who had joined the services of the CPT as an Assistant Engineer in the Civil Engineering Department of the CPT in the year 1968.

6. The workman had filed the appointment letter dated 9-4-1990 marked Ext. W-3 which shows that Shri Hella was appointed as a sweeper under the River Training Wing purely on temporary basis for three months from the date of appointment with a scale of pay of Rs. 1040-20-1200-25-1435 plus all other allowances admissible under the rules. Clause (ii) of the said letter of appointment shows that service would automatically come to an end on and from the date the job for which he has been engaged had been completed. Paragraph 4 of the said letter of appointment showed that without prejudice to the above condition, the service was also terminable on 24 hours notice from either side. All other small periodical appointments were carrying the same conditions and have been marked Exts. W-4, W-5, W-6, W-7, W-8, W-9 and W-10. All these appointments are for short terms not exceeding three months for example the appointment made by Ext. W-4 it was for a period of 3 months, whereas it was 2 months under Ext. W-4 dated 25-8-1990, 2 months as per Ext. W-5 dated 25-10-1990, 3 months under Ext. W-6 dated 3-1-1991, dated 2-11-1991, 3 months under Ext. W-10 dated 10-2-1992 3 months under Ext. W-7 dated 11-4-1991, 3 months under Ext. W-8 dated 22-7-1991, 3 months under Ext. W-9 dated 1st November, 1991 is marked Ext. W-11. pursuant to which the workman had given a joining report on 11-2-1992. Because of this letter of appointment Ext. W-10, the appointment of this workman in ordinary course, should have come to an end on 11 May, 1992 after 3 months from the date of appointment, whereas the job of the workman has come to an end on 1-4-1992.

The workman has filed a xerox copy of the order of the Assistant Secretary-II for the Secretary of the Calcutta Port Trust addressed to the Chief Engineer stating that the Chairman directed that Shri Ashoke Hella should continue to work as Sweeper after some break till such time when a decision in all the cases are taken. This letter dated 1st November, 1991 is marked Ext. W-11.

7. The management have exhibited different appointment letters which the workman had already exhibited and have got them marked Ext. M-1, M-4 to M-10 and the xerox copies of the joining reports of the workman pursuant to these letters of appointment marked as Exts. M-2, M-11, M-12, M-13, M-14 and M-15. Ext. M-3 is a document of the Calcutta Port Trust showing that the name of Ashoke Hella had been sponsored by the Employment Exchange and Shri Ashoke Hella has been found suitable and was recommended for filling up the post of temporary Sweeper.

8. In the evidence, Shri Ashoke Hella, examined as WW-1, has stated that he had joined the service on 6-5-1983 sponsored by the Employment Exchange. His service was satisfactory and he received two certificate from the Chief Officer dated 13-5-83 and 15-7-1983. He had been appointed after interview and was taken to work in vessel Triveni during the absence of regular workman and when the regular workman returned in 1983, he was allowed to seat. Again on 9-4-1990 he was appointed purely on temporary basis for 3 months which was already exhibited as W-3. Latter on he has been appointed in 7 other spells beginning from 25-8-1990 and worked upto 11-2-1991 only with very short breaks of few days in between two, which orders have already been exhibited. According to him though the paper work shows that he was not engaged for few days in between two spells, he in fact worked for those intermediate days and while working in the post, he was receiving salary meant for the permanent workman and he was medically examined before he was brought into the service. Though he worked in the vessel Triveni for 28 days, he had served the River Training Wing for 688 days and even though in his last letter of appointment dated 11-2-1992 he was appointed for 3 months and he joined immediately pursuant to the said letter. His appointment came to premature termination with effect from 1-4-1992, one month and 10 days before the due date. There was no allegation against his work, nor he was chargesheeted for anything and had not been given any compensation at the time of termination of his service. After his job was terminated, outsiders are now called to work in the said post.

9. The management had examined their only witness as MW-1, who stated that the job of the workmen had terminated with effect from 1-4-1992 and that he was a Sweeper in the office of the Deputy Chief Engineer, River Training Wing. The appointment of Shri Hella according to him had the approval of the Chief Engineer, who approved his appointment on 28-3-1990. He also corroborated the period claimed to have worked by the workman in his examination in chief. He stated that Shri Hella had given joining report pursuant to his letter of appointment marked exhibits. According to him the Comprehensive Project has been closed since June 1992 as the project was a temporary one. On the closure of the project those who were recruited from different sections were returned to their sections and those who were recruited temporarily, their jobs had been terminated. In the cross-examination, he however stated that even though Shri Hella should have continued till 11-5-1992, his job had been terminated with effect from 1-4-1992 due to some administrative reasons. He also admitted in his cross-examination that other persons who were recruited purely on temporary basis are still continuing to serve, excepting Shri Hella. Reasons being that those temporary persons have been working without break in the project. He could not however state the administrative reasons, why Shri Hella's job was terminated prior to 11-5-1992 but stated that since Shri Hella's job could be terminated by 24 hours notice in terms of the letter of appointment, his job was terminated. He also admitted in his cross-examination that even after the termination of Shri Hella of a sweeper was required in the project in the said department and this was discharged by engaging daily-rated workers.

10. On a perusal of the documentary evidence led through exhibits by the parties and the evidence of the workman and the management and after perusing the pleadings of the parties, I find that termination of Shri Hella's job with effect from 1-4-1992 is bad on various grounds. First of all, admittedly, Shri Hella had worked under the CPT in the project work from 16-4-1991 till 10-7-1991 pursuant to the appointment letter Ext. W-7, the actual work during this period is 86 days. He also worked from 25-7-1991 till 21-10-1991 altogether for 88 days during the spell of work

under appointment letter Ext. W-8 dated 22-7-1991 and worked for 90 days for the period between 4-1-1991 and 1-2-1992 pursuant to the letter of appointment Ext. W-9 dated 2-11-1991 and 51 days between the period 11-2-1992 and 1-4-1992 under the letter of appointment dated 10-2-1992.

11. Section 25-F of the Industrial Disputes Act, 1947 reads as follows :

"25-F. Conditions precedent to retrenchment of workman—No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice ;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months ; and
- (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette."

Continuous service has been defined in Section 25-B of the Industrial Disputes Act, 1947. As per Clause (a) of Section 25-B, sub-section (2) a person shall be deemed to be in continuous service under an employer for a period of one year, if the workman during a period of 12 calendar months preceding the date with reference to which the calculation is to be made namely the date of termination, has actually worked under the employer for not less than 240 days where the workman is employed overground. In the present case the date of termination is with effect from 1-4-1992 and calculating from 1-4-1991 till 1-4-1992 the period workman worked under the CPT is 315 days, more than 240 days. Admittedly, he has not been given his benefits of a month's wage in lieu of loss since he has not been given any notice earlier which is statutory, nor he has been given 15 days of average pay for every year of continuous service he had put in. The sole witness for the management has stated in his evidence that Shri Hella was paid his salary only upto the end of March, 1992.

12. Accordingly, this termination without complying the requirements of Section 25-F makes the entire order of termination bad and illegal. On this score alone Shri Hella should be deemed to be in continuous service notwithstanding the order of termination with effect from 1-4-1992 and would be entitled to all the benefits of his back wages from that day and fringe benefits that may accrued to him because of his continuous service, notwithstanding the order of termination.

13. This is further fortified that there was no basis for termination of Shri Hella's work even if the project had come to an end, it is because management witness No. 1 who is a responsible Officer of the management has stated that all other temporary persons have been allowed to continue, excepting Shri Hella, whose job was not only prematurely terminated, the administrative reasons which was the basis for termination also was not known to him.

14. In the result, I answer this reference by holding that the action of the management of Calcutta Port Trust terminating the service of Shri Ashoke Hella, Sweeper in the office of the Deputy Chief Engineer, River Training Wing with effect from 1-4-1992 is not justified and Shri Hella he deemed to be in continuous service in the post which he was holding on the date of termination and would be entitled to all the benefits that would be accrued to him, had this order of termination not been passed.

The reference is answered accordingly.

Dated, Calcutta,

The 20th February, 1997.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 5 मार्च, 1997

का.ग्रा 842—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 5-3-97 को प्राप्त हुआ था।

[सं. एल-34012/6/91-आई.आर. (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 5th March, 1997

S.O. 842.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on the 5-3-97.

[No. L-34012/6/91-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM
LABOUR COURT, VISAKHAPATNAM

Present :

Smt. G. Jaishree. B.Sc., LL.M., Chairman & Presiding Officer.

Wednesday, the 29th day of January, 1997

I.T.I.D. No. 19/92(C)

BETWEEN

The General Secretary,
Port & Dock Employees' Association,
Ramapadma Nilayam,
D. No. 14-25-32A, (Upstairs),
Dandu Bazar, Maharanipet,
Visakhapatnam-530001.

..Management

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam-530 001.

This dispute coming on for final hearing before me in the presence of the workman in person and the management in person upon hearing the arguments of both sides the court passed the following :

AWARD

(1) In this case Government of India made the reference under Sec. 10(1)(d) of I.D. Act in the following terms :

"Whether the action of management of Visakhapatnam Port in fixing the pay of Shri B. R. Goppla Rao, Diesel Driver, without taking the pay of the immediately lower post on the ground that probation is not completed in the said lower post is justified ? If not, to what relief the workman is entitled ?"

(2) The substance of the claim statement is that the workman was working as (motor vehicle) in Ore Handling Complex of Visakhapatnam Port Trust and while working as such he was promoted to the post of driver grade-I (MV) on adhoc basis from 31-5-83 till 12-6-86, for different periods by promoting him and reverting to the former post for want of

vacancy. Ultimately, he was promoted as driver Gr-I (MV) on regular basis from 1-2-89 and he was placed under probation for a period of two years. His pay was fixed at Rs. 1655/-. He was further promoted to a higher post i.e., diesel driver w.e.f. 1-10-89, i.e. after 8 months regular service as Driver Gr-I. But the management, on such promotion to the diesel driver post, which is higher than the post of driver (MV) Grade-I, fixed the pay of the petitioner taking into consideration the last pay drawn by him in the post of driver (MV) without taking into consideration the last pay drawn by him in the post of driver (MV) Gr-I. This is done on the ground that the workman has not completed his probation in the immediately lower post i.e. driver (MV) Gr. 1. The workman challenges this action of the management as arbitrary and unjustified contending that in fixing his pay on promotion to higher post, his pay in the immediate lower post is only relevant and not the pay in the still lower post from which he was promoted to the post held by him at the time of promotion. He contended that his probation in the post of driver Gr-I (MV) was also declared as completed with effect from 1-2-91 and inspite of the same his pay was not fixed properly taking the pay of the immediately lower post into consideration. He contended that as per Fundamental Rule 22, which does not mention about the declaration of probation, his pay is to be fixed on promotion on the basis of the pay drawn by him the immediately lower post. He contended that even as per the Central Government Rules, probation declaration is not necessary when a person is promoted within the same group and in this case both Gr-I (MV) driver and loco driver are class III cadres and therefore for promoting Gr-I driver to diesel loco driver, probation declaration is not necessary. He further alleges that previously the management considered the cases of Sri Maqbool in Medical Department and Sri Madar Ali in Accounts Department and their pay was fixed in the higher post even though probation was not declared in the lower post. He states that the probation period can be curtailed even as per the Port Regulations.

(5) In the counter filed the management the facts as mentioned by the petitioner are not in dispute regarding his adhoc basis working in the post of driver Gr-I from 1986 to 1989 and it is stated that during this period, he had a break for every 6 months. The reasons for continuing him in adhoc basis for different periods and again reverting him for want of vacancy are explained in the rejoinder but they are not relevant for the purpose of considering the dispute in this case. It admitted in the counter that the petitioner officiated as Driver (MV)-I in temporary vacancies on adhoc basis from 2-1-81 till 31-1-89 with breaks, and he was finally appointed as driver (MV) Gr-I w.e.f. 1-2-89 for the regular basis and placed under probation for a period of two years and his pay was fixed at Rs. 1655/- in the scale of pay of Rs. 1190/- to Rs. 2005/-. The management admits in the counter that he was promoted to the post of diesel loco driver w.e.f. 1-10-89 but pleads that while promoting him, i.e. Driver (MV) he was considered from second line of promotion as he has not completed his promotion in his regular post of driver (MV) Gr-I and therefore his pay was fixed by taking his pay in the lower post of driver (MV) as per the relevant rules and his pay was fixed at Rs. 1655/- in the post of diesel loco driver. It is pleaded that his pay was correctly fixed after promotion as per rules and Regulations by granting two additional increments in the scale of Rs. 1205 to Rs. 2030 towards remuneration in operating higher power locomotives. It is pleaded that F.R. 22 has no relevance to the facts of this present case. It is further pleaded that declaration of probation is essential as per Visakhapatnam Port Employees (RSP) Regulations, 1964, to consider an employee for promotion to the next higher post in the line of promotion. Regarding the allegation of discrimination, it is stated that the cases of Sri Maqbool, Sr. Time Keeper, Medical Department and Sri Madar Ali, Superintendent (Accounts), have no relevance to the present dispute. Thus, it is prayed the petition may be rejected.

(4) No evidence, either oral or documentary is adduced by the workman. No oral evidence is adduced by the management but Exs. M1 to M26 are marked.

(5) Heard arguments of both sides.

(6) The points that arise for consideration are :

(1) Whether the action of the management in fixing the pay of the petitioner herein for the post of diesel driver is justified, without taking the pay of the immediately lower post on the ground that probation is not completed in the said lower post ?

(2) To what relief is the petitioner entitled ?

(7) Point No. 1 : The admitted facts as stated by two respective pleadings of the parties and the documents produced by the management are that the petitioner was earlier working as driver (MV) and thereafter he was several time promoted on adhoc basis to the next higher post i.e. Driver (MV) Gr-I during the period 1981 to 1989 on different occasions with breaks, promoting him when there was necessity and reverting him for want of vacancy. Ultimately, he was promoted regularly to the post of driver (MV) Gr-I w.e.f. 1-2-89 as per the proceedings under Ex. M11 dated 28-4-89 and he is placed on probation in this post for a period of two years subject to the continuation of the post and his continuing thereon. Several proceedings under Ex. M2 to M9 established his adhoc postings as Driver (MV) Gr-I from time to time from 1986 to 1989 with breaks. Ex. M13 is extract of Regulation No. 8 of the concerned regulations of Visakhapatnam Port Trust Prescribing period of probation of two years on appointment of a person to a post by direct recruitment to the promotion or transfer. Reg. 8(ii) gives directing to the appointing authority to expand or curtail this period of probation in any case whenever he deems it fit, but not exceeding one year. In the present case, the petitioner was promoted to a further post of diesel driver w.e.f. 1-10-89 after putting in service of 8 months in the post of Driver (MV) Gr-I. Under Reg. 8(ii), the appointing authority had discretion to curtail the probation period by one year and in the present case, the authority could have exercised this discretion having regard to his past/service on adhoc basis in the post, but the period falls short of 4 months even then. The contention of the management is that as the petitioner did not complete his probation by the date of his further promotion, he was considered for promotion from the second line of promotion. The management filed the relevant rule governing the promotion to the post of Diesel Loco Driver under Ex. M15 which provides for filling of the post of this loco driver by promoting from driver (MV) Gr. I failing, which from Driver (MV), failing which by direct recruitment. The contention of the management is that as the petitioner did not complete his probation in the post of Driver (MV) Gr-I by the date of his promotion to the post of Diesel loco driver, he was considered for promotion from the second line i.e. Driver (MV) and therefore in fixing his pay, the pay in the post of driver (MV) was taken into consideration and his pay in the post of driver (MV) Gr. I was not taken into consideration. But I find this contention wholly untenable and unsustainable. It is stated in the claim petition that for promoting within the same group, probation declaration is not necessary and the management failed to meet this contention in the counter. No rule or regulation is produced in this court showing that declaration or probation is necessary even where it is promotion within the same group. In these circumstances, the contention of the petitioner that declaration of probation in the post of Driver (MV) Gr-I is not necessary for promoting him for the post of diesel loco driver is to be accepted. Further the main object of placing an employee on probation for a particular period when he is appointed or promoted to any post is to test whether he by his performance in that post proved himself eligible to hold that post. In the present case, the petitioner worked for a long time though with breaks in the post of Driver (MV) Gr-I before his regular promotion to this post and all his service during the said period could have been revealed and if it was found satisfactory, it could have been taken into consideration for the purpose of declaration of his probation in this post when his further consideration to revise and refix the pay of Sri B. R. Gopala Rao, diesel ing on to the technical requirement of Reg. 8, atleast for the purpose of fixation of his pay. Thus, the petitioner is denied substantial justice in the hands of the management by depriving him of the benefit of the pay scale which he was drawing in the immediate lower post.

(8) The management further failed to consider the revision of his pay scale atleast from the date of declaration of his probation w.e.f. 1-2-91 under Ex. M12 and this fact shows unreasonable and unjustified attitude of the management towards the petitioner. The petitioner also alleges discriminatory treatment by the management stating that the management considered the cases of Sri Maghool in Medical Department and Sri Madar Ali in Accounts Department and their pay was fixed in the higher post even though probation was not declared in the lower post. The management could not meet this allegation effectively in the counter and it is merely stated in the counter that the reference to the cases of these two employees, has no relevance to the present dispute of pay fixation of the petitioner. It is not stated how it is not relevant, when a specific allegation is made by the petitioner that the pay of these two employees is fixed in the higher post even though probation was not declared in the lower post. This fact also shows that the management fixed pay of the other employees in the higher post even though their probation was not declared in the lower post, but failed to do the same only in the case of the petitioner without any justifiable cause.

(9) For the above said reasons, I come to the conclusion that the petitioner is entitled for fixation of his pay in the post of diesel loco driver, whenever he works in that post whether on adhoc basis or otherwise, basing on his pay in the post of immediate lower post he was holding on the date of promotion i.e. Driver (MV) Gr-I. I hold on this point accordingly.

(10) Point No. 2.—In view of my findings on point No. 1 above, I hold that the petitioner is entitled for fixation of his pay in the post of diesel loco driver w.e.f. 1-10-89 when he was promoted to the post of diesel loco driver, basing on the pay in the post of driver (MV) Grade-I which is the immediate lower post held by him and he is entitled for this benefit in future whenever he is promoted as such whether on temporary, adhoc or regular basis and he cannot be denied this on the ground that he did not complete his probation in the said lower post.

(11) In the result, petition is allowed and award is passed answering the reference as follows : "The management of Visakhapatnam Port in fixing the pay of B. R. Gopala Rao, diesel driver, without taking the pay of the immediately lower post on the ground that probation is not completed in the said lower post, is not justified. The management is directed to revise and refix the pay of Sri B. R. Gopala Rao, diesel driver on the basis of his pay in the immediately lower post of Driver (MV) Gr-I w.e.f. 1-10-89 for the entire period when he actually worked as diesel loco driver."

Dictated to steno transcribed by her given under my hand and seal of the court this the 29th day of January, 1997.

SMT. G. JAISHREE, Chairman & Presiding Officer

APPENDIX OF EVIDENCE IN LT.L.D. No. 19/92 (C)

None of the witnesses are examined on either side. No documents are marked for workman.

Documents marked for Management :

- Ex. M1 : 20-2-70 : Office order.
- Ex. M2 : 17-3-86 : Office order.
- Ex. M3 : 12-6-86 : Office order.
- Ex. M4 : 2-12-86 : Office order.
- Ex. M5 : 2-12-86 : Office order.
- Ex. M6 : 28-5-87 : Office order.
- Ex. M7 : 8-12-87 : Office order.
- Ex. M8 : 11-6-88 : Office order.
- Ex. M9 : 14-2-89 : Office order.
- Ex. M10 : 25-11-88 : Letter from CME/VPT to Asst Director, PTI.
- Ex. M11 : 28-4-89 : Office order
- Ex. M12 : 31-1-91 : Office order.
- Ex. M13 : Extract of Reg. 8 of VPE.

Ex. M14 : Extract of F.R. 22.
 Ex. M15 : Extract of Recruitment rules for diesel driver
 Ex. M16 : Extract of 40 point roster.
 Ex. M17 : Extract of 40 P.R.
 Ex. M18 : 4-10-89 : Office order.
 Ex. M19 : Office order.
 Ex. M20 : 17-10-90 : Office order.
 Ex. M21 : 11-4-91 : Office order.
 Ex. M22 : 11-10-92 : Office order.
 Ex. M23 : 8-4-92 : Office order.
 Ex. M24 : 24-7-92 : Order No. N/DRA/Trustee/MCT/91.
 Ex. M25 : 1-9-92 : Letter No. CHC/Estt./Locos/11020.
 Ex. M26 : 26-14-92 : Office order No. CME/Exe/OHC/J/26.

नई दिल्ली, 5 मार्च, 1997

का.आ. 843.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुबंध में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-97 को प्राप्त हुआ था।

[सं. एल-43012/7/91-आई.आर. (विधि)]
 बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 5th March, 1997

S.O. 843.—In pursuance of Section 11 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 5-3-1997.

[No. L-34012/7/91-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT VISAKHAPATNAM

PRESENT :

Smt. G. Jaishree, B.Sc., LL.M., Chairman and Presiding Officer.

Saturday, the 25th day of January, 1997

I. T. I. D. No. 22/92 (C)

BETWEEN

The General Secretary,
 Port and Dock Employees Association,
 Rama Padma Nilayam,
 D. No. 14-25-32-A, (Upstairs),
 Dandu Bazar, Maharanipeta,
 Visakhapatnam-530002

.. Workman

AND

Their Chairman,
 Visakhapatnam Port Trust,
 Visakhapatnam

.. Management

This dispute coming on for final hearing before me in the presence of the workman in person and the management in person, upon hearing the arguments of both sides the court passed the following :

AWARD

1. In this case the Government of India referred the dispute for adjudication to this Tribunal in the following terms :

"Whether the action of the management Visakhapatnam Port Trust in not granting overtime allowance to off-shore oil tank terminal staff whenever there is ship is justified ? If not to what relief the workmen are justified ?"

2. Claim statement is filed by the workman pleading that off-shore tank terminal is constructed at right end of break water channel at outer harbour amidst sea and it is far away to the shore. Its conditions are quite different from shore. The activity carried on at this place is unloading of Petroleum Oil and Lubricant products from the oil ships anchored on Inner sea to shore. The workers in the trades of Motor Mechanics, Fitters, Welders, Electricians, and Khalasis who were originally recruited to work at the various work places on shore like M.V. Section, Work Shop and Electrical Maintenance Section, were posted to work at O.S.T.T. in three shifts against rules though they are shore workers and not marine workers. In so far as payment of over time allowance is concerned, it is pleaded that even during normal days also, the transportation is delayed and thereby the workers are made to work extra hours beyond that working hours. The workers are not been paid any remuneration for performing extra hours of duty. It is pleaded that no facilities are provided at O.S.T.T. and having regard to the working conditions of service at OSTT they are entitled for Rs. 40 per day when there is a ship like N.P.C.L. staff and also to pay over time for working extra hours until reliever comes during shift changes and on public holidays as is given to the staff of Ore Handling Complex.

3. In the counter filed by the management this petition is opposed. It is stated that the staff of motor vehicle section, Port Workshop and Electrical Maintenance Section are deployed to attend to the works at OSTT (off-shore oil tank terminal). It is stated that as they are posted for shore jobs only they cannot be treated as Marine Workers as claimed. It is pleaded that these employees are provided with facilities like rain coats, woolen jercies, glass tumbler etc. and as the nature of their duties are the same as those working in other sections in the Port Trust i.e. Motor Vehicle Section etc. and there is no justification to have any separate pay scales for the staff posted as OSTT. Only fringe benefits have been extended to compensate them for working at OSTT. It is pleaded that the HPCL employees are attending to 12 hours shifts at off-shore oil tank terminal, whereas the port workers are working 8 hrs. in a day in OSTT and there is no justification for payment of any over time allowance, whenever there is a ship. It is stated that there is no scale of payment of special incentive to the workers posted at OSTT on par with OHC staff.

4. On behalf of the workmen, WW-1 and WW-2 are examined and no documents are marked. For the management, MWs-1 to 3 are examined and Exs. M-1 to M-10 are marked.

5. Heard arguments of both sides.

6. The points that arise for consideration are :

(1) Whether the action of the management of Visakhapatnam Port Trust in not granting over time allowance to off-shore oil tank terminal staff whenever there is ship is justified ?

(2) To what relief the workmen are entitled ?

7. Point No. 1.—The claim in this case is that the workmen of Visakhapatnam Port Trust who are working at off-shore oil tank terminal in the Sea are entitled for the payment of over time allowance whenever there is ship. WW-1 who is organising secretary of Port and Dock Employees Association deposes that the Port Trust constructed off shore oil and terminal in the sea and oil ship will unload the oil

in the said off shore oil tanker and from there the oil will be pumped to the oil refinery. It is stated that there are about 25 workers working at his tankers in 3 shifts and they are collected from 3 different sections of the Port Trust and posted there. He stated that the working at OSTT is risky and condition of work is entirely different than the working at the shore. He further deposes that some times the workers may not have relief and so they do continuous work and they are not paid any special pay. WW-2 deposes that he was posted to OSTT as Mechanic Grade-II on the same salary without any special pay or allowance. He deposes that from the shore they were taken in a launch to OSTT from the beginning of service and some times for want of launch, there was delay for 1/2 hrs. to 2 hrs. either to join duty or for returning from duty. They are not paid over time allowance whenever there was no relief. In his cross-examination, this witness states that they have weekly holiday when they work in shift system. The OSTT working place is 3 kms. from shore, and launch is provided to take the workers to the work spot and there will be delay of minimum 1 hour to join the shift for want of launch. The case of the management is stated by MW-1 that a mini motor tug is earmarked to transport the worker to OSTT and back. He states in his cross examination that there was often delay of one hour in providing the tugs facility and for the delay the staff is paid over time. Even WW-1 states in his chief examination itself that from November, 1992 they are paid over time. In this cross-examination he states that after filing of this I. D. over time is given in case the workers are retained in OSTT for want of relief workers. Even WW-2 admits in his cross-examination that he was also given over time allowance during the period from November, 1992 to July, 1993. Thus, it is obvious that the management is paying over time allowance for the work done for extra hours on public holidays and also for the delay caused in relieving the workers and their attending the work at the work place and coming back, for want of transport facility in the sea. Thus, the workers may not have any grievance about the non-payment of this over time allowances.

8. The workmen further contended that they have to be paid over time allowance when there is ship in the same manner as the workers of HTCL, who are paid Rs. 40 per day when there is ship at the OSTT.

9. In the rejoinder it is stated that whenever there is ship the officers are being paid an allowance of Rs. 40 per day and the workers are being paid over time allowance beyond their normal working hours by the HPCL. It is stated that two officials and 4 casual labour of HPCL are attending 12 hrs. shifts at off-shore oil tank terminal. Thus, it is stated that the workers of HPCL working at OSTT are paid over time allowance when they work beyond normal working hours in 12 hrs. shifts. This statement suggests that whenever there is ship, the workers of HPCL have to work beyond their normal working hours in order to unload the ship and they are paid over time allowance for working beyond normal working hours. But this is not the case in the case of workers in the Port Trust. MW-1 states in his cross-examination that except whether conditions, the other things are common for the work on shore and the work in OSTT. He further states that persons who work at public holidays are paid additional wages whether he works in OSTT or at shore and this benefit is given in addition to weekly half. Thus, there is no different between the work at shore and the work in OSTT except the weather conditions for which the workers are provided facilities like providing woollen clothes etc. WW-2 admits in his cross-examination that whether ships arrives or not there will be equal work at the OSTT. He states that they do mechanic work by operating the engine at the OSTT. There will be 12 persons for each shift to operate the engines and there are 12 engines at the work spot. He further admits that except the Port Staff and workers who are working in the Port, outside persons working in other companies will not come and do the work in the OSTT. He states that whenever ship arrives at OSTT persons working in HPCL come there to take the oil from the ship and they work on behalf of HPCL. Thus, the evidence of MW-1 and WW-2 shows that whether there is ship or not, the Port workers will be doing the same work at the OSTT by operating the engines and they are not at all concerned with the unloading of oil from the ship when the ship arrives. Therefore the contention of paying Rs. 40 per day extra which is paid to the officers of HPCL or paying over time allowance to the Port workers whenever there is ship, does not arise in the case of Port workers. Thus, the work of Port workers is

not connected with the arriving of the ship and unloading the ship. Further, it is stated in the rejoinder that special incentive are being given to OHC staff for handling of cargo for over and above the norms fixed for the same and there is no such scope for payment of incentive for the staff posted at OSTT since the oil is being discharged automatically from the ship by mechanical system. Thus, the Port workers working in the OSTT cannot compare themselves with the HPCL workers or the workers working in OHC of the Port. In all these circumstances, I come to the conclusion that these workers are already paid overtime allowance for working extra hours and they are not entitled to any other over time allowances when there is ship. I find this point accordingly.

10. Point No. 2.—In view of my findings on point No. 1 above, I hold that the workmen are not entitled to any relief in these proceedings.

11. In the result, nil award is passed answering the reference as follows :

"The action of the management of Visakhapatnam Port Trust in not granting over time allowance to off-shore oil tank terminal staff whenever there is ship is justified and the workmen are not entitled to any relief regarding the same."

Dictated to steno transcribed by her given under my hand and seal of the court this the 25th day of January, 1997.

SMT. G. JAISHREE, Chairman and Presiding Officer
Appdx of Evidence in I. T. I. D. No. 22/92 (C)

WITNESSES EXAMINED

For Workman :

WW-1—K. Pradeshi Naidu.

WW-2—V. Rajagopal.

For Management :

MW-1—N. B. R. Raju.

MW-2—P. Adjibabu.

MW-3—S. N. Sankaram.

DOCUMENTS MARKED

For Workman :

NIL.

For Management :

Ex. M-1—Xerox copy of the representation.

Ex. M-2/14-7-93—Letter to workers union by CME.

Ex. M-3/24-6-93—Order dated 24-6-93 by Port.

Ex. M-4/ —Xerox copy of the order.

Ex. M-5/11-7-93—Xerox copy of letter by port.

Ex. M-6/14-7-93—Xerox copy of report of V. Rajagopal.

Ex. M-7/14-7-93—Xerox copy of report of M. Danaiah.

Ex. M-8/14-7-93—Xerox copy of report of P. Apparao.

Ex. M-9/25-8-93—Certificate issued by CME.

Ex. M-10/13-7-93—Office order.

नई दिल्ली, 5 मार्च, 1997

का.आ. 844.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण, में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-97 को प्राप्त हुआ था।

[सं. एन-34012/5/92-आई.आर. (विविध)]

बी. एम. डेविड, डैस्क अधिकारी

New Delhi, the 5th March, 1997

S.O. 844.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 5-3-1997.

[No. L-34012/5/92-IR (Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT VISAKHAPATNAM

PRESENT :

Smt. G. Jaishree, B.Sc., LL.M., Chairman and Presiding Officer.

Wednesday, the 29th day of January, 1997

I. T. I. D. No. 8/93 (C)

BETWEEN

Shri Devendra Sahu,
D. No. 20-130-3,
Kotha Agharam, Chengalaoopet,
Visakhapatnam-530001 . . . Workman.

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam-530035 . . . Management.

This dispute coming on for final hearing before me in the presence of Sri V. Balaram, authorised representative for workman and Sri B. Gowri Sankara Raju and Sri N. Sanni Babu, advocates for management, upon hearing the arguments of both sides the courts passed the following :

AWARD

1. In this case reference is made by the Government of India under Section 10(1)(d) of the I. D. Act in the following terms :

"Whether the action of the management of Visakhapatnam Port Trust in terminating the services of Sri Devendra Sahu Ex-Peon in Civil Engineering Department of Port Trust is justified ? If not to what relief the workman concerned is entitled ?"

2. It is stated in the claim statement filed by the workman that the workman studied upto 10th class and registered his name with the Regional Employment Exchange in 1976 and after was an employee in Visakhapatnam Port Trust. He received call letter from the Chief Engineer, Visakhapatnam Port Trust for selection to the post of casual labour in Civil Engineering Department in 1978 and attended interview and was selected as casual unskilled labourer w.e.f. 5-12-78. He was also regularised w.e.f. 5-6-80 and was working to the satisfaction of his superior. While so the workman's father died while on the service on 1-11-81 and since then attempts were made to dislodge the workman from service and accordingly his services were terminated suddenly without assigning any reason vide the proceedings dated 27-3-82. It is pleaded that the termination is illegal and violative of principles of natural justice and contrary to the regulations. He further pleads that the workman ought to have been considered for employment and continuation in service atleast in the quota of deceased employees son. Thus, he prays that the termination may be set aside and he may be reinstated with all consequential benefits.

3. In the counter filed by the management i.e. Visakhapatnam Port Trust, Visakhapatnam it is admitted that the petitioner was appointed as casual labour during 1978 but it is stated that he submitted a false certificate at the time of recruitment, to the effect that he was working in railway as casual gangman to avoid coming through employment exchange. He was called for interview on the basis of the said certificate and appointed as casual labour on 5-12-78 and subsequently appointed as Peon on 5-6-80 on ad hoc basis in Engineering Department. It is stated that the enquiry

made by the Chief Vigilance Office disclosed that the endorsement purported to have been made by the Inspector of Works S.E. Railway, Waltair, on the application dated 19-4-77 is false and forged one and that the petitioner never worked in the Railways as stated in the application and in the endorsement. As the petitioner induced the management to consider his application on the basis of this false information and therefore his services were terminated as Peon w.e.f. 27-3-82. It is pleaded that as per the terms of appointment, the services of an employee who has not completed probation period, are liable to be terminated without giving any notice as he was purely a temporary employee. Thus, it is without any notice as he was purely a temporary employee. Thus, it is stated that the petitioner was removed on the basis of the report submitted by the Chief Vigilance Officer about his giving false information and without giving any notice as he was purely a temporary employee. Thus, it is pleaded that the action of the management is valid as the service of petitioner was terminated in terms of his offer of appointment which stipulates that during the period of probation, his services are terminable without any notice. It is specifically stated that there are no separate allegations of misconduct committed by him to give him an opportunity to represent his case except that he submitted false information at the time of his appointment as casual labour. It is stated that the question of following the procedure laid down under the regulations does not arise as no disciplinary action was contemplated against him and his case was that of a case of discharge simpliciter. Regarding appointment on compassionate grounds, it is stated that the petitioner was working as employee of the Port Trust on the date of death of his father and therefore this question does not arise. Ultimately it is pleaded that the petition may be dismissed.

4. On behalf of the workman, the workman got himself examined as WW-1 and got marked Exs. W-1 to W-8. On behalf of the management, the Head Assistant is examined as MW-1 and Exs. M-1 to M-4 are marked.

5. Heard arguments of both sides.

6. The points that arise for consideration are :

(1) Whether the termination of service of the petitioner herein is illegal and unjustified ?

(2) To what relief is the petitioner entitled ?

7. Point No. 1.—The petitioner deposes as WW-1 that he was selected and appointed as casual labour in the Visakhapatnam Port Trust w.e.f. 5-12-78. In 1980 he was selected and appointed as Peon. On 27-3-82 he was removed from service without giving any memo or charge sheet and without conducting enquiry, and assigning any reasons for termination. The case of the management, as deposed by MW-1 is that the application of the petitioner was forwarded by the Inspector of Works, S.E. Railway, Marshaling Yard, Waltair under Ex. M-2, on the basis of which he was given call letter and appointed vide the order under Ex. M-1. The petitioner was further appointed as peon on adhoc basis under Ex. M-3. He states that the Vigilance Officer conducted enquiry that the endorsement on the application by the Inspector of Works, S.E. Railways, is false and that he never worked in the Railways. He deposes that according to Ex. M-1 his probation period is two years and within the period of probation, he can be terminated without giving any notice. He further deposes that as the petitioner was working an adhoc basis he was removed within the period of probation as per rules without notice. It is admitted in the counter as well as in the cross-examination of MW-1 that no enquiry is conducted and no chargesheet is issued before removing the petitioner. MW-1 further admits that the workman was not informed about the reasons of termination. He states that no disciplinary action is taken against the petitioner as he is not a regular employee. Thus, the case of the management is that the petitioner was appointed as casual labour in the Port Trust in 1978 and subsequently as Peon in the year 1980 vide Ex. M-1 and he is governed by the terms of the office order under Ex. M-3 and according to Exs. M-1 and M-3, his appointment as Peon is purely temporary on adhoc basis and is liable to be terminated without giving any notice during the probationary period. Ex. M-1 further states that the services of the petitioner are liable to be terminated after the probationary period of the month's notice on either side,

without assigning any reasons. The management alleges that at the time of first appointment as casual labour in 1978, the workman furnished false information by forging endorsement on his application for appointment under Ex. M-2, of Inspector of Works, S.E. Railways, to the effect that the petitioner is working as casual labour Gangman in railways since one year. According to the management, this endorsement was found to be forged, in the enquiry made by its Vigilance Officer and as per the report submitted by him under Ex. M-4 and if this endorsement is not there, the petitioner would not have been considered for appointment as he was not sponsored through employment exchange in as much as the casual labour are appointed through employment exchange and also through other organisations. During the course of his cross-examination, he stated that there are government instructions to appoint casual labour for making recruitment through other organisations. But he did not bring those instructions at the time of giving evidence. At this stage his cross-examination was stopped by the learned counsel for the petitioner and he was again cross-examined on another date. On this date also he states that he did not bring the instructions on that day as they are not traceable and he denies a suggestion that there are no such instructions. Thus, the management could not prove that an endorsement like the one on Ex. M-2 that the petitioner was working in other organisation was necessary. Further, no opportunity is given to the petitioner by intimating him that he produced a false endorsement on Ex. M-2 and induced the management to employ him, on the ground that his appointment as peon was only temporary as per Exs. M-1 and M-3 and therefore it was liable to be terminated without assigning any reasons during the probationary period and therefore no notice was given to him as he did not complete the two years probationary period by the date of his termination. Thus, all the circumstances show that the management has acted illegally in terminating the services of the petitioner without giving any notice and opportunity to explain when he was terminated not simpliciter but on the ground of the charge that he furnished false information at the time of original appointment. The above circumstances show that the services of the petitioner was terminated as a matter of punishment and even if the appointment is on adhoc basis the services is not liable to be terminated without conducting enquiry into the truth or otherwise of the allegations made against him and without affording him opportunity to explain and take part in the enquiry proceedings. The service of the petitioner cannot be terminated on the basis of an ex parte enquiry by the Vigilance Officer behind the back of the petitioner and without giving any opportunity to him to say what he wants to say in the matter. Thus, the management acted in violation of principle of natural justice in terminating the petitioner from service and therefore the same is illegal and invalid and is liable to be set aside.

8. The petitioner claims appointment on compassionate grounds stating that his father died while in service and he may be given appointment on compassionate grounds. He filed the representations made in this behalf by him mother under Ex. W-2 dated 7-10-82 but the management rejected the same vide the reply under Ex. W-4 dated 31-1-83. The petitioner himself made an application for this purpose under Ex. W-5 dated 6-9-84 and it is obvious that this is also not considered by the management. But the dispute raised in this I. D. is regarding the termination of service of the petitioner as Peon and it is not necessary to go into this question of appointment on compassionate grounds in these proceedings.

9. The petitioner filed the termination order under Ex. W-3 dated 27-3-82, a reading of which shows that his service was simply terminated without assigning any reason. As already observed by me above, and as pleaded by the management, this termination order was passed in pursuance of the report submitted by the Vigilance Officer of the management by conducting enquiry behind the back of the petitioner and finding that he furnished false information at the time of appointment. The petitioner was entitled for a notice with this allegations and reasonable opportunity to prove his case but he was not given any such opportunity and was removed from service arbitrarily and against the principles of natural justice. The condition mentioned in Exs. M-1 and M-3 which are relied upon by the management that the petitioner may be terminated without giving any notice and assigning any reasons do not clothe the management to remove the petitioner

arbitrarily and act malafide. As Visakhapatnam Port Trust is a public sector undertaking, it is bounded duty of the management to act fairly and not arbitrarily. The petitioner cannot be removed under the guise of orders under Exs. M-1 and M-3 without conducting fair enquiry regarding the truth of allegation made against him, on the basis of which he was actually removed. Thus, I come to the conclusion that the termination of the service of the petitioner by the management is illegal and is unjustified and is liable to be set aside. I hold on this point accordingly.

10. Point No. 2—In view of my findings on point No. 1 above, as the petitioner is removed from service as Peon illegally, his termination is liable to be set aside and accordingly the same is set aside. Consequently, the petitioner is entitled to be reinstated into service as Peon. But he is not entitled to back wages as he did not actually work all these years with the management and further he approached this Tribunal with much delay of about 10 years. However, having regard to the injustice done to the petitioner by illegally terminating his service, the petitioner is entitled to treat the period from his termination till reinstatement as continuation of his service notionally for the purpose of fixation of his pay on reinstatement and the retirement benefits only without any attendant benefits like promotion, leave, leave encashment, holidays etc. Thus, I hold on this point that the petitioner is entitled for reinstatement as Peon without back wages and with continuity of service notionally only for the purpose of fixation of his pay in the cadre of Peon and for the purpose of retirement benefits. I hold on this point accordingly.

(11) In the result, award is passed and the reference is answered as follows: "The action of the management of Visakhapatnam Port Trust in terminating the services of Sri Devendra Sahu, ex-peon in Civil Engineering Department of Port Trust is not justified. The management is directed to reinstate the petitioner into service as Peon without back wages but with continuity of service notionally only for the purpose of fixation of his pay as Peon on his reinstatement and for the purpose of retirement benefits. Time for reinstatement 2 months from the date of receipt of copy of the award by the management". Dictated to steno transcribed by her given under my hand and seal of the Court this the 29th day of January, 1997.

Smt. G. JAISHREE, Chairman & Presiding Officer
APPENDIX OF EVIDENCE IN I.T. I.D. No. 8/93(c)
WITNESSES EXAMINED :

For Workman :

WW1 : Devendra Sahu.

For Management :

MW : S. Somaraju.

DOCUMENTS MARKED

For Workman :

Ex. W1 : Transfer Certificate.

Ex. W2/7-10-82 : Letter to Manager by the petitioner.

Ex. W3/27-3-82 : Office Order dated 27-3-82.

Ex. W4/31-1-83 : Letter to Savithri Sahu by Chief Engineer.

Ex. W5/6-9-84 : Letter to the Chairman by the petitioner.

Ex. W6/30-5-92 : Failure report at the ACL, Visakhapatnam.

Ex. W7/ : Recruitment rules of the management.

Ex. W8/ : Recruitment rules of the management.

For Management :

Ex. M1/24-6-80 : Temporary appointment.

Ex. M2/19-4-77 : Letter to the management by the petitioner.

Ex. M3/13-6-80 : Office Order.

Ex. M4/10-3-82 : Self contained note of the petitioner.

25 July, 1983 respectively, followed by a rejoinder on behalf of the management.

3. The case as is presented by the union in this case is that the workman Shri Kameswar Nunia a Boiler Fireman was a permanent workman of Kumardihi 'A' Colliery under the Eastern Coalfields Ltd. in the district of Burdwan, who was a member of the union which is now sponsored the case of the workman on his behalf. He was an active member of the Colliery Mazdoor Sabha of India, Kumardihi Branch. A Vindictive action was taken by the management against him. The management wanted to harass this workman because of his trade union activities and subjected him to various transfers. He was transferred from Amrit Nagar Colliery to Kumardihi 'A' Colliery under the same management but at a far off place with the specific condition that he would be provided with a quarter there. Before that quarter was made available, the management provided conveyance to Shri Nunia and others for travelling from Amrit Nagar to Kumardihi, which system continued for 6 months in the year 1975. Without any prior notice, the management arbitrarily stopped the provision of this conveyance and the present workman Shri Nunia was forced to stay at Kumardihi to continue his job though he was not provided with any quarter there. After great persuasion by the workman, the management however consented this workman to build a thatched house on a place earmarked by the management and continued leave there constructing a Challah (thatched house) from 1979 without any objection and the workman continued to leave there with his family. The workman however continued with his union activities at Kumardihi, for which the management intended to evict the workman from that thatched house and ultimately issued the chargesheet dated 23-1-1982, which was only with a mala fide motive to harass him. The workman had replied to the said chargesheet by his letter dated 25-1-1982, denying the purported allegation. The management however have not been satisfied with the reply of the workman, decided to proceed against him in a disciplinary proceeding and intimated that to the workman by their letter dated 27-1-1982.

व्या. १८५. डेविड, ईस्क अधिकारी

S.O. 845.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kumardihii 'A' Colliery and their workman, which was received by the Central Government on 3.3.1997.

ANNEXURE

Reference No. 20 of 1983

Employers in relation to the management of Kumardihi
'A' Colliery, P.O. Ukhra, Dist. Burdwan.

Their workmen

MR. JUSTICE K. C. JAGADEB ROY, PRESIDING OFFICER

On behalf of Management.—Mr. R. N. Mazumdar,
Advocate with Mr. D. Mukherjee, Advocate.

STATE : West Bengal.

INDUSTRY : Coal.

By Order No. 1-19012(180)/82-D.IV(B) dated 9th March, 1983 the Central Government in exercise of its powers under section 10(1)(d) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

2 The management and the union representing the workman filed their written statements on 13th June, 1983 and

The statement of the workman, according to him, was not properly recorded and the management produced all tutored witness to prove the charge against him in the enquiry. According to the workman therefore, the enquiry was improper as he was not given proper opportunity to cross examine the management witnesses and at any rate the charge was motivated, concocted, vague and did not constitute misconduct within the meaning of the Standing Orders applicable to the workman.

Even though there were no materials against him in the enquiry, the Enquiry Officer found the charges to have been proved, on the basis of which the management has passed the order of dismissal against the workman and communicated the said order by letter dated 27-2/2-3-1982, Ext. M-9, dismissing the workman with effect from 8-3-1982. The union therefore contends that the dismissal order should be treated as vindictive and illegal, passed in a proceeding without a proper enquiry and in consequence the workman should be reinstated in service with all the back wages and other service benefits.

4. The employer in their written statement however stated that on 30-9-1978 one Sorah Miae and Kameswar Nunia made a joint petition asking for a quarter allotted to Sorah Miae to be used by Shri Nunia till a quarter is allotted to Shri Nunia, which the management approved and Kameswar Nunia started to leave in the quarter with his family. No workman or employee of the Colliery had any authority to make any construction within the Colliery premises without obtaining written permission from the management. But Shri Nunia took the risk of making a construction on a very important piece of land. This part of the statement has not been specifically denied by the workman which was filed subsequently.

Towards the end of 1981 the management came to know that Shri Nunia had unauthorisedly constructed a Challah (Thatched house) near the north incline of the Colliery for which the Agent of the Colliery issued the letter dated 5/7.

June, 1982 directing Shri Nunia to remove the said unauthorised construction within 24 hours from the receipt of the letter. This letter has been received by Shri Nunia on 11-9-1982 but he did not comply with the said direction but rather proceeded with the unauthorised construction and continued to leave there with his family.

According to the management, therefore, this constitutes gross misconduct of insubordination and disobedience necessitating the issue of a chargesheet to Shri Nunia on 23-1-1983 marked Ext. M-5 before this Tribunal. The workman submitted his explanation on 25-1-1982 but since it was not satisfactory, the Agent of the Colliery directed a domestic enquiry to be held in presence of the workman.

In the enquiry, the workman had been given all opportunities to defend himself and after the conclusion of the enquiry, the Enquiry Officer filed his report of enquiry finding the workman guilty of the charges levelled against him. On the report of the Enquiry Officer, the Agent of the Colliery who is the disciplinary authority being fully satisfied with the finding arrived at the enquiry took a decision for dismissal of the workman concerned from service and the order of dismissal was referred to the General Manager of the Colliery whose approval is also necessary and the General Manager of the concerned area namely Bankola Area after perusing the record according to the approval for dismissal and the workman was dismissed with effect from 8-4-1982.

According to the management, therefore, the workman's conduct amounted to misconduct under the Standing Orders marked Ext. M-6 before this Tribunal (Ext. M-6 however was objected to by the workman) and the misconduct having been proved, the punishment of dismissal was justified and they urged the same should not be interfered by this Tribunal.

5. A xerox copy of the judgment of the Munsif, First Court, Durgapur in Title Suit No. 4 of 1983 is produced by the management which shows that Shri Nunia was a defendant in the case was found to have been in the unauthorised suit premises belonging to the Coal India Limited and this defendant directed to be evicted. This order of the learned Munsif is dated 29-8-1988. This xerox copy is however not been marked by the management as an exhibit, though filed before this Tribunal by a petition dated 11 April, 1989.

6. The management also had filed the enquiry report marked Ext. M-7, alongwith the proceeding of enquiry in Hindi including an English translation of the same. Exts. M-1, M-2 and M-3 filed by the management are certain notices and papers relating to the union and certain manpower return, which are not very relevant for the case. Ext. M-4 is the reply of the Agent to Shri Nunia dated 27-1-1982 informing that his explanation to the chargesheet being not satisfactory, the management intended to hold an enquiry against him. As already stated that the Standing Orders of the Kumardihi 'A' Colliery has been marked Ext. M-6, paragraph 17 of the said Standing Orders deals with the disciplinary action and misconduct. According to the management and as has been found in the chargesheet, the workman was charged for committing serious misconduct as under paragraph 17(1)(c) and (i), which are quoted below :

"17(1)(c). Wilful insubordination or disobedience, whether along or in conjunction with another or others of any lawful or reasonable order of a superior. The order of the superior should normally be in writing."

"17(1)(i). Causing wilful damage to work in progress or to property of the employer."

7. Ext. W-1 only shows that Shri Nunia was granted leave for the period 1-3-1982 to 6-3-1982. Ext. W-2 is the reply of Shri Nunia the workman concerned to the Agent to the chargesheet dated 23-1-1982 in which he had mentioned that he was not allotted any quarter, nor paid any House Rent Allowance so far. The Challah in question was prepared under the instruction of the supervisory staff as during that period his family came to stay with him. He accordingly requested that since without quarter he could not live with his family and he constructed the same with the

permission of the then supervisory staff, the charges should be withdrawn. Ext. W-3 is the letter of the Agent issued to the workman informing that his explanation was not satisfactory and an enquiry to be gone into. Ext. W-4 is a letter of request of the workman to the Agent for withdrawal of the chargesheet dated 27-1-1982 as according to him it was in violation of the natural justice.

8. The workman had been examined as Workmen's Witness No. 1. He said that he came to Kumardihi on transfer in 1974 and proved workmen's exhibits. He stated in chief that the management had no representative in the enquiry but the witnesses were examined by the Enquiry Officer. Shri K. K. Samanta the management witness was examined by the Enquiry Officer and was not permitted to be cross-examined by him even though Shri G. P. Roy asked for such opportunity on his behalf. He made objection against the same. The Enquiry Officer called the next witness on behalf of the management namely Shri Ram Prasad Shaw and the proceeding recorded in the enquiry was not readover to him. Though he asked for the copy of the enquiry proceeding in writing, he was refused to be given the same. His statements during the enquiry were not also recorded and the Enquiry Officer that he would record those, which are considered best. The Enquiry Officer went to see the Challah the thatched house of his own and never informed him when the enquiry was over. He referred to Ext. W-6 which was in his own hand writing in Hindi asking for the copy of the enquiry proceeding but no reply was received from the management and no copies were supplied to him. The Enquiry Officer also did not produce the certified Standing Orders at the enquiry. He referred to Ext. W-1 to show that on the expiry of his leave on 6-3-1982, he went to join his work on 7-3-1982 but informed that his work has already been allotted to others. He was also not given second show cause notice before the order of dismissal was passed. According to him he was staying in the Challah constructed by him in 1979. Amrit Nagar Colliery from where he was coming to attend Kumardihi Colliery is about 30 km. and he was staying at Amritnagar while working there. He corroborated the statement made in the written statement that he was given the service of the Company's vehicle for 4 to 5 months for coming to Kumardihi Colliery. But latter on it was stopped and since the Company did not provide him the quarter as required of them, the Challah was constructed in 1979 to accommodate him and his family. He was however living in a rented house prior to the construction of the Challah and this Challah was constructed with some broked bricks and asbestos supplied by the E.C.I. on signing the papers. The demand for the asbestos sheets made orally and there about 150 Challah within the campus. He had received no letters from the management either on the 5th or 7th January, 1982 prior to the issue of the charges on 23-1-1982. He said in the cross-examination that he was the Assistant Secretary of the Union at Amrit Nagar Colliery. In cross-examination, he also said that the permission was given to him by the supervisor to construct the Challah and the asbestos sheets were allowed to him by Srivastava Saheb. He however agreed that in the enquiry papers he had his signature.

9. Two other witnesses were examined on behalf of the workmen in the case before the Tribunal. Shri Sunil Dey who is the vice president of the Colliery Mazdoor Sabha of India has been examined as WW-2, who stated that the workman was a member of the union namely Colliery Mazdoor Sabha of India and also was a member of the union since 1979 and was continued to be a member, even though he was dismissed.

Shri Haradhan Jha who is the Assistant Secretary of the Colliery Mazdoor Sabha of India has been examined as WW-3. He also stated that the workman was a member of the union and exhibited Exts. W-8, W-8/1, W-8/2 without objection to such membership. According to him Shri Nunia was a member of the union since 1964. He also stated that the dismissal of the workman was an act of victimisation on the part of the management since he was actively participating in the trade union activities.

10. The management however examined 3 witnesses from their side. MW-1 is the Deputy Personal Manager of the

Kumardihi Colliery. He stated that the concerned workman was not a member of the union in 1982 and the Colliery Mazdoor Sabha of India did not take-up any resolution to sponsor his case. He however said that he has no personal knowledge about the case of the workman since he was not there in the field at that time.

Shri P. N. Pandey who was the Enquiry Officer, was examined as MW-2. He stated that the proceeding was conducted in Hindi as the workman stated not to have the knowledge of English. According to him the workman and his defence helper were allowed to cross-examine the witness produced on behalf of the management. No exception had been taken by the workman or his helper at the time of the enquiry. He stated in cross-examination that the chargesheet and the reply of the workman were produced in the enquiry and was read-over to the delinquent. Shri K. K. Samanta produced those documents during the enquiry. The deposition of Shri Samanta was read-over to the workman at the enquiry, who agreed that the construction was made under the circumstances as stated by Shri Samanta and agreed that he did not act in terms of the direction of the management. Shri Samanta was the management's representative at the enquiry though he had not produced that letter of authority. He had informed the delinquent, the procedure to be followed but that portion was not recorded in the proceeding itself and whatever recorded were read over to the delinquent in Hindi. The delinquent had the opportunity to cross-examine MW-1 at the enquiry and after the recordings were made, the workman had his signature. A copy of the proceeding was not asked for by the delinquent. He had asked the workman to cross-examine the witnesses. He stated that there was an order for removing the Challah, which was exhibited as M-1 at the enquiry. That letter even though shown to the workman at the enquiry, the workman did not sign the same. This letter was produced by Shri Samanta. He had given opportunity to the workman to produce his evidence after the management's evidence was over which can be apparent from the proceeding dated 2-2-1982. Management was also allowed to cross-examine the delinquent but they did not cross-examine. He had recorded everything that the workman had stated and not exactly the relevant portion as suggested by the workman. The workman's representative was all-through present in the proceeding, whereas Mr. Samanta the management witness was not so present. In no occasion the prayer for time by the workman had been refused. He never refused the workman to produce any witness from his side.

Mr. Pandey, MW-2 however admitted that he made a spot visit to see the Challah along with Shri Samanta, MW-1 and MW-2 besides he was accompanied by the chargesheeted workman and his co-worker and he found no other Challah was there excepting that one. It was a fact that he made the visit to see the Challah of his own. He stated that the management's representative produced the certified Standing Orders but this clause has not been specifically mentioned in the enquiry proceeding. Since it was written in English, he explained to the delinquent in Hindi about this charge.

11. Management examined the Deputy Personnel Manager, Eastern Coalfields Limited as MW-2. He joined the E.C.L. in November, 1973 and was working at the time of deposition at Kumardihi 'A' Colliery and his knowledge is only borne out from the records. Apart from referring to the documents already filed and mentioned by the other witnesses, he had admitted in his cross-examination that he had occasion to visit the canteen the Kumardihi 'A' Colliery where there is a row of Challahs constructed by the workmen, which are more than 200 in number. The quarters are allotted to the workmen on the basis of seniority. He admitted that some times a single room quarter is allotted to a workman and there is dearth of quarters. While saying that the management does not give permission to the construction of the Challah, he admitted that the present Challah was constructed under the existing plinth. He however stated that those challahs were allowed to be used by the workmen under the previous management but no permission was being given for new construction. He however said, he did not know if the present workman was living with his family in the constructed Challah since 1978, nor did he know if any action has been taken by the management for unauthorisedly constructing the challahs. He

also did not know if this particular workman was proceeded earlier under any disciplinary proceeding. He admitted that the dismissing authority is the General Manager though the chargesheeting authority is the Agent. He also proved Exts. W-4 and W-5. He admitted the document Ext. W-2. He however could not say if the letter of Shri Nunia as per Ext. W-6 has been received by the management but he admitted that there is an endorsement showing the receipt of the said letter.

12. The management under the signature of the learned counsel appearing for them has filed a written note of argument, which states in paragraph 4 that the Tribunal by its order dated 27-5-1992 passed the order that both the points of fairness of the enquiry and the hearing on merit be taken together. On reference to the order sheet, I do not find the same. Nevertheless I find that the then Presiding Officer by his order dated 20-6-1991 fixed the case for hearing on merit without giving a finding on the preliminary point. The case is very old and should not be delayed further by giving the answer on the preliminary point on the validity of the domestic enquiry at this stage before going to the merits of the case by allowing the management to lead further evidence to justify their bonafides in the case because of Section 11-A of the Industrial Disputes Act, 1947. Since after that order dated 20-6-1991 both the management and the union have led detailed evidence from their sides and exhibited documents in support of their cases which is necessary for disposal of the case on merits, I accordingly proceed to answer the case wholly on merit dealing within its validity of the domestic enquiry.

13. After going through the enquiry report and the statement of Shri K. K. Samanta and the statement of the workman, the fact that stands out is that Shri Nunia the workman concerned, indeed constructed unauthorisedly a small thatched hut at the place of his work at Kumardihi 'A' Colliery. This fact is not denied. Shri Nunia has stated in his reply to the chargesheet that he was so authorised to construct but he has stated that since the management had failed to provide him with a quarter which was promised to be provided to him on his transfer to Kumardihi, he was forced to construct that thatched house to accommodate his family as it was difficult for him to proceed from his previous place of work to the present place as the conveyance provided by the management ceased to be there. It is the case of Shri Nunia that while going there, he stayed alongwith another person Shri Mian for 3 to 4 years keeping his family with him. No further materials has been given by him before this Tribunal when he deposed that what prevented him to continue in that condition which was permitted by the management, so that he resorted to make the construction unauthorisedly to raise a thatched room to accommodate his family. Therefore, no material is led before the Tribunal to show that certain materials which he wanted to bring into the record in the enquiry was prohibited to him for not allowing him any witness of his or to produce any document in support of the same, which the Enquiry Officer refused to admit. I find that the Enquiry Officer had stated that all opportunity had been given to him not only to cross-examine the management witnesses but also to produce his own witness and even after the evidence recorded, were explained to him in Hindi and he had to sign the documents after being appraised of it. By merely making an allegation that certain materials which he wanted to introduce in evidence were shut out as were not permitted to be recorded, is not borne out in the materials in record. He has not brought my attention to any document which he filed in the enquiry alleging such. A letter which was alleged to have been written by him in his own handwriting in Hindi addressed to the management to produce him the copies of all the proceedings, has not been accepted by any of the management witnesses. Rather the receipt of the said letter by the management has not been accepted by the management witnesses, nor has been proved by the workmen's witnesses. He was also being given opportunity of replying to the show cause.

14. I, therefore, do not find that the enquiry was vitiated for violation of any principle of natural justice. That being the fact, the only question is to be answered whether the punishment of dismissal recorded in the case was justified

or can be interfered with under Section 11-A of the I.D. Act by this Tribunal being disproportionate to the gravity of the offence.

15. Even though the Standing Orders which has been exhibited by the management, was objected by the workmen as it was not an authenticated copy, the workmen has not stated in his evidence if the Rules 17(1)(c) and (i) quoted in the chargesheet, is not in accordance with the Standing Orders. All that the workman had stated that the allegation alleged therein did not amount to misconduct within the meaning of Rule 17(1)(c). I have already quoted earlier in this Award Rule 17(1)(c) as well as Rule 17(1)(i). Rule 17(1) enumerates the misconduct, of which (c) reads as wilful insubordination or disobedience whether alone or in conjunction with another or others or any lawful or reasonable order of a superior and the order of the superior should normally be in writing.

16. In the present case the order to remove the thatched construction was issued to the workman in writing, which has been exhibited and this order was disobeyed by him and the Chailen instead of being dismantled, the workman continued to construct further adjoining the same. When this particular clause refers to disobedience of the order of the superiors, obviously the order must be of a superior authority concerning his duty. In the present case this construction and dismantling is not a part of this duty as a workman but an unauthorised act. In interpreting the said clause strictly in favour of the workman, it may be a view and is in my view that this particular allegation of non-dismantling of unauthorised construction cannot be treated to be misconduct within the meaning of paragraph 17(1)(c) as it is not an insubordination or disobedience on the part of the workman in carrying out a lawful or reasonable order of his superior in connection with his duties. But, nevertheless, the other charge for which he has been proceeded with was under Clause 17(1)(i) causing wilful damage to the work in progress or the property of the employer. The chargesheet issued against him was not properly worded. It should have categorically stated whether it was causing wilful damage to the property of the employer or to the work in progress. But the workman has not suffered because of his non-specification in the charge because he knew that he was being proceed for the illegal construction on the land of the management. So no serious prejudice has been caused to him. This being the case, where the workman had admitted the construction, on merit, I hold that the workman has also committed a misconduct.

17. But, coming to the question whether the punishment of dismissal is disproportionate. I find that the management has admitted that there are many people who have constructed Challahs earlier under the previous management and having continued with it. The property, no doubt, after the nationalisation belongs to the EICI, to whom this Kumaridih 'A' colliery also belongs to. But the management has taken no action against any one of them as stated by MW-3 for evicting them. When the management has taken a lenient view in not proceeding against the workmen even though they have wrongfully occupied the property of the management and since the present workman has led some evidence to show that he had been orally permitted to make a Challah to live therein and indeed had been helped with broken bricks and asbestos for such construction, which is not seriously departed by him by cross-examination of this witness and ultimately the management got his eviction from the premises by the Civil Suit about which I have already mentioned, this misconduct, was not serious enough for dismissing the workman from service and the punishment is accordingly excessively disproportionate to the allegation under which he has been proceeded in the enquiry.

18. I, accordingly, hold that the action of the management in dismissing the workman Shri Kameswar Nunia, Boiler Fireman with effect from 7-3-1982 was not justified and he should be reinstated in service but only with 50 percent of the back wages to which he would have been otherwise entitled, had he been continued in service in that capacity and entitled to all other benefits notwithstanding the order of dismissal.

The reference is answered accordingly.

Dated, Calcutta,

The 24th February, 1997.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 6 मार्च, 1997

कां.ग्रां. 846.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईंसी०एल० के प्रबन्धतंत्र के संबद्ध निधोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-19012/153/86-डी IV (बी)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 846.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E. C. Ltd., and their workman, which was received by the Central Government on 3-3-97.

[No. L-19012/153/86-D.IV(B)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 86 of 1988

PARTIES :

Employers in relation to the management of Girmint Colliery of M/s. Eastern Coalfields Limited.

AND

Their workmen.

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCES :

On behalf of Management : Mr. P. Banerjee, Advocate.

On behalf of Workmen : Mr. A. K. Das, Advocate.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012/153/86-D.IV(B) dated 8-6-1987 the Central Government in exercise of its powers under Sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Girmint Colliery of M/s. E. C. Ltd., P.O. Charanpur, District Burdwan in not allowing promotion to Shri Gopal Chandra Banerjee, from Clerical Gr. II to Gr. I w.e.f. 1-3-80 or prior to 1-3-1981 was justified. If not, to what relief the workman is entitled and from what date."

2. Both the workmen and the management filed their written statements. The workmen had also examined the concerned workman as their sole witness in the case while the management did not examine any from their side though had exhibited several letters which are marked Ext. M-1 to M-4. Workmen, however, filed various correspondences and marked them Exts. W-1 to W-13 and the case was fixed

for argument to 26th September, 1996 when both the learned counsels appearing for the management as well as for the workmen filed a memorandum of settlement signed by the Deputy C.M.E./Agent, Girimint (R) Colliery for the employer and Gopal Chandra Banerjee the workman as well as by the representative of the workman, the Branch Secretary of the C.M.S.I. (CITU), Girimint Colliery.

3. The parties have expressed in the said memorandum of settlement dated 6-8-1996 presented before this Tribunal on 26th September, 1996 as follows :

- (1) It had been agreed that Shri Gopal Chandra Banerjee, Clerk will be given notional seniority of clerical grade-I with effect from 1-3-1980 without any back wages.
- (2) The union of the workman agree that there shall be no claim for the back wages whatsoever for the period from 1-3-1980 to the date he is promoted to clerical grade-I.
- (3) By this settlement, the incident and any matter existing out of the instant order of reference stood fully and finally settled.
- (4) The settlement would be effective from the date this Tribunal accepts the settlement and passes an Award in terms thereof, and

4. After hearing the parties appearing in the case, I find that the settlement arrived at is fair and proper and pass an Award in this reference in terms of the settlement. A copy of the memorandum of settlement is annexed to the Award and marked Annexure-A.

The reference is disposed of accordingly.

Dated, Calcutta,

The 14th February, 1997.

K. C. JAGADEB ROY, Presiding Officer

ANNEXURE A

FORM-H

(See Rule-58)

Form of Memorandum of Settlement

Name of parties—Gopal Ch. Banerjee Vs. CIL.

Representing Employers—Sri V. K. Thakur, Dy CME/Agent, Girimint (R) Colliery.

Representing Workman—Sri Anadi Singh, Br. Secretary, CMSI (CITU) Girimint Colliery.

Short recital of the case—Sri Gopal Banerjee, Clerk, Girimint colliery raised dispute that other co workers were given promotion in clerical grade-I with effect from 1-3-80 whereas he was given promotion w.e.f. 1-3-84 and therefore, the demand of the union was that Sri Gopal Banerjee should be given promotion in grade-I with effect from 1-3-80 along with pay fixation and payment of arrear wages arising thereof and accordingly dispute has been referred and registered as Ref. case No. 86/88 of Tribunal at Calcutta. The dispute is settled under the following terms and conditions :—

TERMS OF SETTLEMENT

- (i) Agreed that Sri Gopal Banerjee, clerk will be given notional seniority of Gr. I w.e.f. 1-3-80 without any back wages.
- (ii) Union and workman agree that there shall be no claim for any back wages whatsoever for the period from 1-3-80 to the date he is promoted to Gr. I.
- (iii) That by this settlement the instant matter and any matter arising out of the instant order of reference stands fully and finally settled.
- (iv) That this settlement will be effective from the date the Hon'ble Tribunal pleases to accept the settlement and passes the Award in terms thereof.

- (v) Both the parties pray that the Hon'ble Tribunal may be pleased to accept the settlement as fair and proper and may be further pleased to pass an Award in terms of the settlement.

Sd./-

Signature of the
representing workman,
Br. Secretary, CMSI (CITU),
Girimint colliery.

Witnesses :—

Sd./-

1. Sri Bhagbat Mondal. O/Supdt.
Girimint (R) colliery.

Sd./-

2. S. Subhas Chakrowarty,
Typist-cum-Clerk,
Girimint (R) colliery.

Signature of the parties—

Sd./-

(Gopal Ch. Banerjee)

Signature of the Employer—

Sd./-

(V. K. Thakur),

Dy. C.M.E.&Agent,
Girimint (R) Colliery.

नई दिल्ली, 6 मार्च, 1997

कांसां. 847 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई०सी०एल० के प्रबन्धतंत्र के संबंध निधोजकों और उनके कर्मकारों के बीच, अनुबंध में निदण्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-19012/40/83-डी 4 (बी)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 847.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E.C.L. Ltd. and their workman, which was received by the Central Government on 3-3-1997.

[No. L-19012/40/83 DIV (B)]

P. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 5 of 1984

PARTIES :

Employers in relation to the management of Satgram
Colliery of M/s. Eastern Coalfields Limited

AND

Their workmen

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCE :

On behalf of Management : Mr. P. Banerjee, Advocate.

On behalf of Workmen : Mr. A. K. Mitra, Counsel with
Mr. S. K. Bose, Advocate and Mr. S. Mukherjee,
Advocate.

STATE : West Bengal

INDUSTRY : Coal

AWARD

By Order No. L-19012/40/83-D.IV (B) dated 23th February, 1984, the Central Government in exercise of its powers under Section 19(1)(d) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal :

"Whether the action of the management of Satgram Colliery, P.O. Devshandnagar, District Burdwan (WB) in dismissing Shri Ram Raj Yadav, Mason Mazdoor with effect from 14-4-1982 is justified ? If not, to what relief the workman concerned is entitled ?"

2. On receipt of the notice of the reference, the management as well as the workmen filed their respective written statements, followed by a rejoinder by the management.

3. The written statement of the management had been filed earlier on 31 May 1984. Apart from challenging the right of the union to represent the workman, the employer's case is stated briefly as follows :

The present workmen concerned e.g. Ram Raj Yadav, Misri Yadav and Santu Roy were engaged in sealing isolation work on 2-11-1981. As they refused to do their work and were sitting idle on the flimsy allegation that the place of work were having night soils around prohibiting them to work further, Shri P. K. Mazumder the then Assistant Manager objected to that for which the later was assaulted at the Pit-head overground on that date at 12.40 P.M. for which they had been issued with chargesheet by the management. They filed their replies, denying the allegations. A disciplinary proceeding thereafter was initiated against them and in the said enquiry, Ram Raj Yadav the concerned workman in this case was dismissed from service by the order of the disciplinary authority on 10-4-1982. Shri D. C. Mitra, Senior Personnel Manager was appointed as the Enquiry Officer in the disciplinary proceeding initiated jointly against Ram Raj Yadav and Misri Yadav. According to the management a proper enquiry was held and the Enquiry Officer submitted his report holding that the charges were proved against the said two workmen.

4. In paragraph 3 of the written statement, the management had stated that these 3 persons Ram Raj Yadav, Misri Yadav and Santu Roy abused and threatened Shri Mazumder the Assistant Manager and assaulted him inflicting injuries on him and left the Mine at about 12.40 P.M. in the afternoon much before the scheduled time of the shift ended which continue upto 4 P.M. The chargesheet on Ram Raj Yadav and two other workmen was issued on 3-11-1983 under the signature of the Agent of the Colliery which also incorporated the order of suspension pending the enquiry. The management admitted that in their reply Ram Raj Yadav and two other workmen already named made counter allegation against Shri Mazumdar alleging that he assaulted them.

5. The union which has taken up the cause of the workman has filed a detailed written statement alleging that Ram Raj Yadav was in the service of the Company since 1973 prior to the nationalisation of the Colliery and was working as a Mason Mazdoor under the supervision of the Mason, Shri Ram Raj Yadav was an active member of the union his past record was clean. On 2-11-1983 Ram Raj Yadav along with Misri Yadav and Santu Roy, were on duty in the first shift which started at 8 A.M. and came to the underground, to work at their place of work but found that night soils and other dirty things were lying around the place of work

and it was not possible for them to work unless the night soils and other dirty things were removed and the place was cleaned. They requested Shri P. K. Banerjee, Assistant Manager to take necessary steps for cleaning the place but this could not be done. At about 11.00 A.M. when Shri Mazumdar, Assistant Manager came to the place of work, they repeated their request before him for providing sweeper to clean the place. But, Shri Mazumdar started abusing them instead with filthy language and assaulted them. They made their pretest orally on the very same day before the Manager and also made a written complaint by way of a joint letter to the Manager and requested him to make an enquiry into the incident and to take action against Shri Mazumdar. The management however did not allow them to join their work from 3-11-1981 without showing any reason for the same for which the said three workman by a joint petition dated 7-11-1981 requested the Manager to allow them to resume their duties. Instead of taking any action against Shri Mazumdar, the Agent of the Colliery brought false allegations against these three workmen that they abused Shri Mazumdar in filthy language and also assaulted him, in order to conceal the wrongful action of Shri Mazumdar. They received the back dated chargesheets on 9-11-1981, the chargesheets having been dated 3-11-1981 and they were placed under suspension, pending enquiry.

6. In the written statement of the union, it has been submitted that the chargesheet against the present workman Ram Raj Yadav was baseless, motivated and mala fide as the Agent had issued this without any valid authority. All the three workmen including Shri Ram Raj Yadav submitted their reply on 10-11-1981, denying the charges and repeated the Agent to withdraw the charge sheets and making prayer also for allowing them to resume their duties. But instead of withdrawing the charges, a joint enquiry was held against Ram Raj Yadav and Misri Yadav and a separate enquiry was held against Shri Santu Roy. It was further alleged by the union that those enquiries violated the principles of natural justice and the workmen were denied the reasonable opportunities to defend themselves mainly on the ground that the workmen being illiterate and having no knowledge of English and their mother tongue being Hindi, the proceedings were written in English and not explained to them in Hindi and they had been deprived of the opportunity to cross-examine the management's witnesses. Though they were signing the day-to-day proceeding of the enquiry without understanding the import of the order and as such were prejudicially affected, particularly so as the Company's representative at the enquiry was Shri D. K. Srivastava who was a trained and experienced person in the sphere of labour laws whereas the Enquiry Officer did not ask the workman to engage an experienced and trained person from their side and were not supplied the copies of the day-to-day proceedings, after each day's enquiry. Besides, the Enquiry Officer was biased and his finding was perverse. The order of dismissal passed was accordingly illegal, unjustified, mala fide and was a clean case of victimisation and unfair labour practice and in violation of the Standing Orders. The dismissal order issued therefore was without any valid authority.

7. The present workman Ram Raj Yadav lodged his protest against the said dismissal order by his letter dated 16-4-1982 to the General Manager alleging the aforesaid facts and praying for withdrawal of the dismissal order and permitting him to resume his duties but he did not receive any reply. The matter thereafter was taken by the union before the Assistant Labour Commissioner (Central), Assam by their letter dated 1-3-1983 and the conciliation having failed, the matter has been referred to this Tribunal.

8. Most of the points raised by the union regarding the lack of authority of the Agent to issue the impugned order has not been substantiated before this Tribunal at the time of argument with reference to any law or Standing Orders, nor the management had ever argued that the union had no locus standi to take up the case of the workman, though in the written note of argument such a point had been taken. Admittedly the union had taken up the case before the Assistant Labour Commissioner (Central) and the perusal of the written statement of the management as well as the workman would show that the union had been canvassing the case of the workman from the very beginning. Just because they cannot produce a resolution authorising the union to take the case before the Tribunal, when the case is too old being of the year 1984, I do not consider it to

be a very serious point on the basis of which the reference would fail as contended by Mr. Banerjee, learned counsel appearing for the management.

9. This case as well as Reference Case No. 9 of 1984 concerning Misri Yadav arose out of the same incident on 2-11-1981 and the then Presiding Officer Shri Chakraborty had passed an order for analogous hearing of this Reference Case No. 5 of 1984 with Reference Case No. 9 of 1984 and by order dated 10-11-1988 directed the hearing of these two cases analogously. The evidence later on was recorded from the same witnesses for both the two cases.

10. In the written statement of the management, a point was urged before the Tribunal to take-up the fairness and validity of the domestic enquiry as a preliminary point in the first instance in view of the pronouncement of the Hon'ble Supreme Court in the Firestone Rubber Company's case, reported in 1973 (1) LLJ 278. The Tribunal accordingly took up this point first regarding the validity of the domestic enquiry and by order dated 15-6-1993 came to hold that the enquiry was not fair and was conducted in violation of the principle of natural justice and made the observation that the non-production of the medical report in support of the injury and the non-filing of the FIR alleging the assault during the enquiry was fatal. In view of that, the action taken by the Colliery (management) could not be held to be lawful and permitted the management to lead further evidence in terms of Section 11-A of the Industrial Disputes Act to justify the bonafides of their action.

11. After that order, the only person examined by the management was the person who was assaulted namely Shri P. K. Mazumder the Assistant Manager who was examined on 10-8-1994 as MW-2. The management had earlier examined Shri D. C. Mitra, the Enquiry Officer as MW-1 when the preliminary point was taken up and Misri Yadav alone was examined as WW-1. Shri Misri Yadav was jointly charged alongwith Ram Raj Yadav in the disciplinary proceeding.

12. Shri D. C. Mitra the Enquiry Officer who was examined as MW-1 stated that the entire report, containing the domestic enquiry proceeding, chargesheets, replies, appointment order etc. were sent to the proper authority which he exhibited as Ext. M-1 and said that he had no bias against the workman concerned. Shri S. K. Mondal was the General Manager who passed the order of dismissal which he proved as Ext. M-2. He said that there was a separate proceeding against Shri Santu Roy and he did not participate in the domestic enquiry held against Shri Ram Raj Yadav and Misri Yadav. He stated in his cross-examination that the medical report and the FIR were in the record but he did not consider them necessary to examine the makers of those two documents, including the officer-in-charge of Jamuria P.S. where the FIR was filed but he failed to trace out those two documents from the file of the disciplinary proceeding to show them to the Tribunal.

13. The proof of FIR or the examination of the officer-in-charge of the Police Station where the FIR was filed has no consequence in case of Ram Raj Yadav because as the evidence would reveal, particularly from the statement of Shri P. K. Mazumder the Assistant Manager who was assaulted that Misri Yadav had lashed him with his cap lamp belt while Ram Raj Yadav only slapped. This is evident from his examination in chief. That being the case, the medical report which could not have referred to the slappings was of little consequence as far as Ram Raj Yadav is concerned.

14. The evidence of Shri Banerjee recorded during the disciplinary proceeding would show that he came to the rescue of Shri P. K. Mazumder while he was being assaulted. This evidence read with the evidence of Shri P. K. Mazumder himself, would show that Shri Ram Raj Yadav used filthy language against Shri P. K. Mazumder and assaulted him only with slaps. Shri Mazumder had stated that he was injured because of the lashes he received from the cap lamp belt which required immediate first-aid and treatment. Such being the case, the finding of the Enquiry Officer that the accused had threatened, abused and assaulted his superior, is not without any material on hand. Shri D. C. Mitra the Personnel Manager examined as MW-1 stated in his

cross-examination that the workman concerned came out of the Pit at about 1.30 P.M. before the schedule time which can be seen from the Form 'C'. There are materials available to come to the finding that the workman concerned e.g. Ram Raj Yadav had left his place of work without permission and without sufficient reasons and come out of the Pit at about 1.30 P.M. though the shift had to end at 4 P.M. in the afternoon. I therefore, hold that the finding are not perverse as far as this particular workman is concerned.

15. The allegation of malafide by the workman has not been well substantiated. By merely saying that he alongwith other 2 delinquents had made a representation to the management to take action against Shri Mazumder as he assaulted them was not sufficient to prove the malice. No materials has been led by them to show that because of the allegation made against Shri Mazumder, Shri Mazumder or his associates in the administration had falsely implicated them in the case.

16. The only question now remains to be considered is whether the punishment of dismissal awarded was not justified being disproportionate to the allegations on proof of which the workman has been punished. Shri Mazumder the assaulted officer admitted in his evidence before the Tribunal that indeed Ram Raj Yadav complained before him that the place of their work was not clean and unhygienic for which he asked him to work in another place and promised him that he would get the place cleaned. Shri Mazumder also stated that he did not anyway provoked Ram Raj Yadav or any of his companion to resort to violence. In his cross-examination on 29-3-1995, he had categorically stated that the injury sustained by him was with the cap lamp belt was from Misri Yadav and he filed the medical report for the same.

17. I have already stated that the assault by Ram Raj Yadav was confined to slaps only. Since the dismissal is the ultimate punishment that can be imposed on a workman and the admitted position is that the workman had a serious resentment to work in the filthy surroundings, I cannot rule out the possibility of certain amount of provocation for the workman to resort to violence, therefore, the violence howsoever original, it may be seriously deprecated.

18. I accordingly hold that the punishment of dismissal was not called for in the present case which is excessive and bad in the circumstances. The workman accordingly is directed to be reinstated in service with one fourth of the back wages since he is not free of all the charges and the finding that he had left the place of work before the shift came to an end without permission and abused the superior officer and manhandled him was sufficient to disallow the full back wages to which he without the proof of those would have been otherwise entitled to.

The reference is answered accordingly.

Dated, Calcutta,

The 13th February, 1997.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 6 मार्च, 1997

कां०आ०. 848. --औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-22012/11/95-आई प्रार (सी-II)]

वी०एम० डेविड, डैस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 848.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Assansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd. and their workman, which was received by the Central Government on 3-3-97.

[No. L-22012/11/95-IR (C-II)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL, ASSANSOL

Reference No. 35/95

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of Dabour
Colliery of M/s. E.C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employer.—Sri P. Go.wami, Advocate.

For the Workmen.—Sri C. D. Dwivedi, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated the 4th February, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/11/95-IR(C-II) dated 13-7-95.

"Whether the employee Smt. Sanmoti Sahu, Truck Wagon loader of Dabour Colliery died while in service if yes, then Sh. Surendra Kumar Sahu, son in law of the workman concerned is entitled for employment or not as dependent in Eastern Coal-field Ltd., as per clause 9.4.1. & 0.4.2. (1) of MCWA-IV."

2. The union does not file Written Statement and does not proceed with the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 6 मार्च, 1997

कां०आ० 849.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस०सी०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-97 को प्राप्त हुआ था।

[संख्या एन-22012/252/93-आई आर (सी-II)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 849.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 6-3-97.

[No. L-22012/252/93-IR (C-II)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT:

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.
Dated, 5th day of November, 1996
Industrial Dispute No. 10 of 1994

BETWEEN :

The General Secretary, Singareni Collieries,
Bit Sharpners Association, Kalyaniknani (PO),
Dist. Adilabad (AP). Petitioner.

AND

The General Manager, M/s. S.C. Co. Ltd.,
Ramakrishnapur Area Dist. Adilabad (A.P.) .. Respondent

APPEARANCES :

Sri G. Vidya Sagar & G. Ravi Mohan, Advocates—for the
Petitioner.

M/s. K. Srinivasa Murty and G. Sudha, Advocates—for
the Respondent.

AWARD

The Govt. of India, Ministry of Labour, New Delhi made a reference to this Tribunal by its Order No. L-22012/252/93-IR (C-II) Dt. 19-1-1994 under Section 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its Schedule which reads as follows :—

"Whether the action of the Management of M/s. S.C. Co. Ltd., Ramakrishnapur in suspending Shri V. B. Chandram Raju, Bit Sharpner MK-4A Incline, for 10 days from service is legal and justified? If not, to what relief the concerned workman is entitled to?"

2. After receipt of the notice issued by this Tribunal, both the parties appeared and filed their respective vakalats. After taking several adjournments, the petitioner filed Claims Statement on 2-3-1995. The respondent also filed a Counter on 21-4-1995. The matter is posted for enquiry from time to time. But the petitioner and its counsel did not turn up to adduce evidence. Hence this Tribunal closed the said reference, on 4-1-1996.

3. After closing the reference, the petitioner rushed with a petition to set aside the above order on 3-2-96. The said petition was allowed on 23-9-1996 and posted the matter for trial. Even after allowing the said petition, the petitioner and its counsel did not turn up and prosecute the matter.

4. On a perusal of the docket sheet, it can be seen that the petitioner is not interested to prosecute the matter. Therefore there is no option to this Tribunal except to close the reference. Hence Industrial Dispute is closed.

Given under my hand and the seal of this Tribunal, is
5th day of November, 1996.

V. V. RAGHAVAN, Industrial Tribunal

नई दिल्ली, 6 मार्च, 1997

कां.स्रां. 850.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ०सी०आई० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद नं० 1 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[सं० एल-22012/154/एफ/92-आई आर (सी-II)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 850.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Dhanbad No. 1 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 3-3-1997.

[No. L-22012/154/F/92-IR (C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Sec. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 108 of 1992

PARTIES :

Employers in relation to the management of Food Corporation of India Ltd.

AND

Their Workmen

(Ministry's Order No. L-22012/154/F/92-IR (C-II) dt. 1-10-92).

CORRIGENDUM

In the award dated 12-12-1996 passed in Reference No. 108 of 1992, the word "and regularise" be added after the word "reinstate" mentioned in line 6 of para 16 and the last sentence may be read as under :

"The management is directed to reinstate and regularise the concerned workman with 50 percent of full back wages within two months from the date of publication of the award."

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 6 मार्च, 1997

कां.स्रां. 851.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ०सी०आई० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, विशाखापत्तनम

के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[सं० एल-22012/282/एफ/93-आई आर (सी-II)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 851.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 3-3-97.

[No. L-22012/282/F/93-IR (C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL CUM LABOUR COURT VISAKHAPATNAM

PRESENT :

SMT. G. JAISHREE, B.Sc., LL.M.,
CHAIRMAN & PRESIDING OFFICER.

THURSDAY, THE 30TH DAY OF JANUARY, 1997

I.T.I.D. No. 1/94(c)

BETWEEN

Regional Secretary,

F.C.I. Executive Employee Union,

Dock Office, Port Area,

Visakhapatnam-35

.. Workman

AND

The Joint Manager (Operation),

Food Corporation of India,

APSRCT, Complex Building,

Visakhapatnam.

.. Management.

This dispute coming on for final hearing before me in the presence of the petitioner in person and Sri M. Ramakoti and Sri M. Madhava Rao, advocate for management, upon hearing the arguments of both sides the court passed the following :

AWARD

(1) In this case, reference is made by the Government of India u/s 10(1)(d) of the I.D. Act in the following terms :

"Whether the action of the management of Food Corporation of India in not paying synchronisation allowance to workers even on the days where there were no ships is justified? If not to what relief the workmen concerned are entitled?"

(2) Claim statement is filed by the workmen stating that the synchronisation of timings in Port operations, FCI, Vizag with the working system of Port was taken place w.e.f. 8-10-77 as per the notice dated 17-9-77 issued by the Joint Manager (PO), FCI, Vizag working hours of staff in Docks were increased from 6 1/2 hrs. to 8hrs. working day in 3 shifts of 8 hrs. with the general shift from 9.00 hrs. to 17.00 hrs. For extra duty of 1 1/2 hrs., extra duty allowance was paid in the form of compensation of Rs. 50, Rs. 40 and Rs. 30/- per month for Gr.-I, Gr.-II and Gr.-III respectively. This was paid as extra duty allowance throughout the period from 8-10-77 to 17-8-88 where there were ships or no ships.

(3) The payment of synchronisation allowance was introduced in Docks as per the letter dated 8-11-88 @ 1-1/4th times the ordinary hourly wages in areas where the local Shops and Establishment Act is applicable to FCI depots and where the said Act was not applicable, as per over time rates revised from time to time. This was paid for the extra number of hours worked on all the working days in a month.

(4) It is pleaded that desynchronisation of working hours has been effected from 15-5-93 and the staff are required to attend general shift from 10.00 hrs. to 5.00 P.M. from 6-6-93 onwards.

(5) It is pleaded that when the payment of synchronisation allowance was in force, the management was making payment of this allowance for the period of handling ships only and on the days when there were no ships, it was making payment of extra duty allowance which was not an existing provision but was formulated from 1977. Thus, the workmen pray for an award for payment of arrears of synchronisation allowance due to them for the period of synchronisation of timings under the existing provisions.

(6) Written statement is filed by the respondent management i.e. FCI, Visakhapatnam opposing the petition. It is stated that extra duty allowance was paid from 8-10-77 to 17-8-88 for the extra hours of presence of the staff on duty in port areas, irrespective of the berthing of ships. While so, the agreement had been arrived at between the FCI head quarters at New Delhi and the National Co-ordination Committee of the FCI Employees and the Hon'ble Supreme Court of India permitted the FCI to implement the said settlement, arrived at on 3-5-87. Thereupon the FCI, New Delhi synchronised the working hours of the staff in Port and Dock areas with that of the departmental workers and to pay synchronisation allowance, therefore. It is pleaded that this decision was taken on the rational that the staff concerned were obliged to perform extra duty on arrival of ships etc., apart from sitting tight in office waiting for the vessels another days. It is further pleaded that the concept of extra duty allowance, was not given a go by or dispensed with and the synchronisation allowance was not introduced as a substitute for the extra duty allowance, though payment thereof is neither concurrent nor simultaneous. It is pleaded that this difference in perceptions has been spelt out from Para 6 of the Circular No. 23 of 1988 dated 18-8-88 of the FCI Head Quarters, New Delhi, relied on by the petitioner in para 3 of the Claim Statement. It is stated that the payment of synchronisation allowance is additional and not absolute and it is payable for the extra number of hours worked, where the departmentalised workers or Port/Dock Labour Board workers are working and not otherwise. It is pleaded that in order to cope-up with work-load of Port operations i.e. unloading cargo from incoming vessels berthed and clearance from wharfs, the synchronisation of timings and payments of extra allowance therefor were introduced and not as a permanent measure, and this is amplified further by the letter of the FCI Head Quarters, New Delhi No. E. P. 17-7/88 dated October, 1989 addressed to the Zonal Manager (South) and other Zones. It is further stated that on cessation of imports and completion of clearance, all the officers and staff were asked to attend to the general shift duty from 10.00 a.m. to 5.00 p.m. w.e.f. 15-5-93 as per the Circular dated 15-5-93. It is thus, pleaded that the synchronisation allowance is payable only during the period of loading and unloading operations only for the extra work done during extra hours and the extra duty allowance is payable on all other days. Thus, the synchronisation allowance is not an integral part of the wage or salary. It is pleaded that the respondent is not obliged to pay synchronisation allowance irrespective of handling of cargo of the vessels berthed and clearance thereof and such a claim is neither rational nor just in law. The petitioners are entitled to claim extra duty allowance only as and when there were no ship unloading/loading operations etc. It is also pleaded that the claim of the petitioners upto 1992 are barred under the Payment of Wages Act. Thus, it is prayed that the claim may be dismissed.

(7) No oral evidence is adduced by either side. For the workmen, Exs. W1 to W7 are marked and for the management, Exs. M1 to M3 are marked.

(8) Heard arguments of both sides.

(9) The points that arise for consideration are :

(1) Whether the management is justified in not paying synchronisation allowance to the workers on the days where there were no ships?

(2) To what relief are the workmen entitled?

(10) Point No. 1 : The claim of the workmen is that the working hours of the workmen of FCI working in Port Operations in Docks were synchronised with the timings of the working system of Port and consequently the number of their working hours was increased from 6½ hrs. to 8 hrs. per day and they were required to work in 3 shifts of 8 hrs. each and in working hours, which is a change of condition of their service, they were paid extra duty allowance as per the document under Ex. W6 dated 2-11-76 at Rs. 50/-, Rs. 40/-, Rs. 30/- and Rs. 20/- for the categories of Asst. Gr-I, Asst. Gr-II, Asst. Gr-III and Class IV employees respectively. This was being paid since the date of synchronisation of timings w.e.f. 8-10-77 as per the notice dated 17-9-77 till 17-8-88 whether there were ships or no ships. Then the payment of synchronisation allowance was introduced as per the article No. 23/88 in EP 17-16/87 dated 8-11-88 under Ex. W1 which the management has also filed and marked as Ex. M1 and the period for payment of this allowance was further extended by the FCI Head Quarters vide EP 17-8/88 dated 8-11-88 under Ex. W2, upto 31-12-88. The rates of synchronisation allowances are prescribed in clause 5 of Ex. W1 stating that in areas where local Shops and Establishment Act is applicable to FCI depots, it will be one and quarter times the ordinary hourly wage calculated and where the FCI depots are exempted from the provisions of this Act, the different rates as mentioned in clause 5(ii) of this circular. But the head quarters of FCI, vide its letter to the Zonal Managers dated 30th October, 1989 under Ex. M2 directed them to pay this synchronisation allowance only for the period the ships are handled and till the imported stocks are cleared from the wharf. The workmen herein challenged this restriction placed by the management on the payment of synchronisation allowance as per Ex. W1 and raised dispute under Ex. W4 dated 17-11-92. The Zonal Manager, Madras addressed the Manager FCI, Head Quarters, New Delhi stating that there is force in the argument of the workmen that this restriction is unjustified. The Asst. Labour Officer, Visakhapatnam wrote to the Secretary, Government of India, Ministry of Labour, New Delhi under Ex. W5 dated 30-6-93 dealing with the points raised by both the workmen and the management in respect of this payment and ultimately submitted failure report as it could not be settled before him.

(11) The contention of the workmen is that this synchronisation allowance was paid in lieu of extra duty allowance which was earlier paid and they are entitled for this allowance for the extra hours of duty irrespective of whether there is ship or not in the Port requiring loading and unloading operations. On the other hand, the management contended that the decision for payment of this allowance was taken on the rational that the staff were obliged to perform extra duty on arrival of ships etc., apart from sitting tight in office waiting for the vessels on other days. It is contended that the concept of extra duty allowance was not given a go by or dispensed with and the synchronisation allowance was not introduced as a substitute for the extra duty allowance, though payment thereof is neither concurrent nor simultaneous. This admission itself shows that the synchronisation allowance was substituted for the extra duty allowance. It is specifically prescribed in clause (6) (iv) of the circular under Ex. W1 on which both sides rely, that for the period for which synchronisation allowance is paid, no other allowance such as over time allowance, extra duty allowance shall be admissible. This itself shows that in pursuance of the agreement between the parties, the management agreed to pay synchronisation allowance instead of over time allowance or extra duty allowance to the workers for compensating them for the extra hours of work. It is specifically made clear in clause 6(vi) of this circular that the synchronisation allowance shall not be paid to the staff working in the docks where they are presently working on 8 hrs. shift basis. Thus, the payment of this synchronisation allowance is meant for compensating

only those workers of FCI who were working only for 6 1/2 hrs. a day and whose working hours were increased to 8 hrs., against their service conditions and they are sought to be compensated for the change in the timings of the work. The management tries to place interpretation on the terms of this circular in such a way that it provides for payment of synchronisation allowance for the extra number of hours 'worked' and contended that this is intended only for the hours of actual work turned out by the workmen when there are loading and unloading operations of the ships and therefore this allowance is payable only when there is ship on the dock and not on other days when there is no ship. It is contended that on the other days when there is no ship, these workmen have to sit idle though they are on duty for the extra 1-1/2 hrs. a day and therefore the management were paying extra duty allowance on those days to the workmen as per the circular under Ex. W6 dated 2-11-76. But, I do not see anything in the circular under Ex. W1 to support this contention of the management. Number of hours of work referred in this circular, only means number of hours on duty whether the management provided them with any actual work or not during the duty hours. The management strenuously relied upon clause 6(ii) of this circular for supporting their contention. This clause provides that synchronisation allowance shall not be paid to those employees who are on leave including casual leave, tour, training etc. for the period of such leave/tour/training, as such employees do not actually put in any extra hours of work in this regard. This clause only provides for non-payment of synchronisation allowance when the workmen do not attend to duty but they are on casual leave, tour etc. According to this clause, a workman cannot claim synchronisation allowance when he is absent on any day and not on duty at the work place for various reasons. Thus, this clause, on the other hand, goes to suggest that a workman is entitled to claim this synchronisation allowance on every day when he is present at the work place and attends duty for 8 hrs. along with other departmental workers, whether there is ship or not on the dock and whether loading and unloading operations at the Port go on or not. Clause 6(i) of this circular clearly provides for payment of synchronisation allowance for the extra number of hours worked on all working days in a month to the category-III and IV employees working in the depots where departmentalised workers are working. Thus, I find this circular which is given in pursuance of agreement between the parties, is intended to compensate the workers for extra hours on duty irrespective of whether they were provided with actual work or not on every day and whether there is ship or not on any days. I do not find anything in this circular to suggest that this benefit is restricted only to those days when there is ship and not to other days of duty. Thus, I do not find any substance in the contention of the management that this allowance is payable only for the period the ships are handled and till the imported stocks are cleared from the wharf as mentioned in Ex. M2 by the management. On the other hand, the circular shows that the payment of this allowance is linked to the synchronisation of duty hours with that of the departmental workers and not with any operations of handling the goods from the ships. In fact, the circular issued by the management dated 15-5-93 under Ex. W3 which the management also filed and got marked as Ex. M3 directing the staff who attended general shift duty to attend duty only from 10 a.m. to 5.00 p.m. as there was completion of clearance of cargo from Port Transit Sheds on 12-5-93 shows that the management reduced working hours of the staff working on dock and accordingly withdrew the payment of this allowance under Ex. W7 dated 17-4-89. The workmen have no grievance for withdrawal of payment of synchronisation allowance consequent on desynchronisation of the timings with the local, departmental Port Workers. This attitude of both side parties amply establishes that the synchronisation allowance was agreed to be paid only consequent on the synchronisation of timings of FCI workmen with the departmental workers as a result of which their working hours i.e. duty hours increased.

(12) The management contended that this claim of workmen is barred by the limitation under Payment of Wages Act. But I do not find any substance in this contention in as much as the workmen were denied this payment as a consequence of misapprehension that the management is not liable to pay the same. The workmen were raising dispute

with the management in this regard as evidenced by the documents under Ex. W4 and W5. Thus, there was no occasion for individual workman to file petition before the authority under the Payment of Wages Act, for recovery of this amount due to each one of them, when it was denied to the entire class of workmen on the basis of a principle and which was under dispute. Thus, the question of limitation under Payment of Wages Act does not arise.

(13) In all these circumstances, I come to the conclusion that the management is not justified in not paying the synchronisation allowance to the workmen covered by the circular under Ex. W1/(M1) on the days when there was no ship. I find this point accordingly.

(14) Point No. 2: In view of my findings on point No. 1 above, I hold that the workmen are entitled for payment of synchronisation allowance on all the days during the period when it was in force irrespective of whether there was ship or not and they are entitled to recover from the management any arrears in this regard by filing a separate petition and deducting the amount, if any paid towards as extra duty allowance for the relevant period. I hold on this point accordingly.

(15) In the result, the award is passed answering the reference as follows: "The action of the management of FCI in not paying synchronisation allowance to the workers on all the days when there was no ship is not justified and the workmen are entitled to recover the arrears of synchronisation allowance if any, by filing separate petition and deduct any amount already paid for the relevant period as extra duty allowance."

Dictated to steno transcribed by her given under my hand and seal of the court this the 30th day of January, 1997.

Smt. G. JAISHREE, Chairman & Presiding Officer

APPENDIX OF EVIDENCE IN I.T.D. No. 1/94 (C)

NONE OF THE WITNESSES ARE EXAMINED ON EITHER SIDE.

DOCUMENTS MARKED FOR WORKMAN: Ex. W1: FCI circular No. 23/88.

Ex. W2: 8-11-88: FCI Lr. No. EP. 17-8/88,

Ex. W3: 15-5-93: FCI Circular No. PA/JM (OPNS)/1993.

Ex. M4: 17-11-92: FCI Lr. No. IR (S) 14(10) 92.

Ex. W5: 30-6-93: A.L.C. (c)'s conciliation failure report.

Ex. W6: 2-11-76: FCI Lr. No. 6-6-75-IMPL-CELL/1314.

Ex. W7: 17-4-89: FCI Lr. No. EP. 17-7/88.

FOR MANAGEMENT:

Ex. M1: 18-8-88: FCI Circular No. 23/88.

Ex. M2: 30-10-89: FCI Lr. No. RP. 17-7/88.

Ex. M3: 15-5-93: FCI circular No. PA/JM(OPNS)/1993.

नई दिल्ली, 6 मार्च, 1997

कां.आं. 252 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ईंसी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसमसोल

के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-22012/536/95-आई.आर (सी-II)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 852.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 3-3-97.

[No. L-22012/536/95-IR(C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 31/96

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of Tilaboni Colliery of M/s. E.C. Ltd.

AND

Their workmen

APPEARANCES :

For the Employer.—None.

For the Workmen.—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 6th February, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/536/95-IR(C-II) dated 21-8-1996.

"Whether the action of the management of Tilaboni Colliery, Bankola Area, M/s. E.C. Ltd. in dismissing Sh. Bhawani Pradhan from services is legal and justified? If not, what relief the concerned workman is entitled to?"

2. The union represents that the matter has been amicably settled with the management. However a copy of the settlement is not filed.

3. In this circumstances 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 6 मार्च, 1997

का०अ०. 853 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार मैसर्स ई०सी०एल० के प्रबन्धकों के संबद्ध कर्मियों और उनके कर्मचारियों के बीच, असुबंध में निर्दिष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-22012/99/91-आई.आर (सी-II)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 853.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd. and their workman, which was received by the Central Government on 3-3-97.

[No. L-22012/99/91-IR(C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 37/91

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of Dalmiya Colliery of M/s. E.C. Ltd.

AND

Their workmen

APPEARANCES :

For the Employer.—None.

For the Workmen.—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 7th February, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/99/91-IR(C-II) dated 6-12-91.

"Whether the action of the management of Dalmiya Colliery under the Agent Bonjemehari Colliery of M/s. E. C. Ltd. P.O. Salanpur, Dist. Burdwan in non-paying incentive allowance @ Rs. 383 to S/Sri Paresh Paramanik and others as per list enclosed is justified? If not, to what relief the concerned workmen are entitled to?"

2. The union does not file Written Statement and does not proceed with the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 6 मार्च, 1997

कां.ग्रां. 854:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई.सी.एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-22012/201/92-आई आर (सी-II)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 854.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd. and their workman, which was received by the Central Government on 3-3-97.

[No. L-22012/201/92-IR(C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 9/93

PRESENT:

Shri R. S. Mishra, Presiding Officer.

PARTIES:

Employers in relation to the management of Kalipahari Colliery of M/s. E. C. Ltd.,

AND

Their Workmen.

APPEARANCES:

For the Employer—Sri P. Banerjee, Advocate.

For the Workmen—Sri B. Mukherjee, Advocate.

INDUSTRY: Coal. STATE: West Bengal.

Dated, the 7th February, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/201/92-IR(C.II) dated 14-1-93:

“Whether the action of the management of Kalipahari (R) Colliery in issuing premature superannuation notice and thereby terminating the services of Shri J. K. Mehta is justified? If not, to what relief is the concerned workman entitled to?”

2. The dispute has been settled by a mutual written settlement signed by the respective representatives and a copy of which is filed here.

3. Award as per the settlement is passed. Settlement to form a part of the award.

R. S. MISHRA, Presiding Officer

FORM-'H'

SEE RULE 58 OF INDUSTRIAL DISPUTES (CENTRAL) RULES, 1957 FRAMED BY THE CENTRAL GOVERNMENT IN EXERCISE OF THE POWERS CONFERRED UNDER SECTION 38 OF THE INDUSTRIAL DISPUTES ACT, 1947

Form for Memorandum of Settlement.

Name of Parties:

Representing Employers:

(1) Sri J. K. Mehta—Workman.

(2) Sri J. S. M. Jalal—General Secretary.

West Bengal Coalfields Shramik Congress,

T. P. Market, Asansol.

Short recital of the case

1. Sri Jaikishan Mehta an employee of Kalipahari (R) Colliery was superannuated w.e.f. 20-12-90 the basis of his age as assessed as 50 years on 20-12-80 and on his behalf an Industrial Dispute was raised by West Bengal Coalfields Shramik Congress and on failure of the conciliation, the dispute was referred to Central Government Industrial Tribunal for adjudication in terms of Order No. L-22012/201/92-IR (C.II) dated 14-1-93 of the Central Government and the said reference case was registered as Reference case No. 9 of 1993 of the said Tribunal and the said case is pending before the Hon'ble Tribunal.

2. Thereafter the workman through his advocate Sri Bimal Mukherjee intimated by letter dated 1-2-1996 that they are not interested to proceed with the case and prayed for payment of all terminal dues payable to the workman.

3. After mutual discussion between the parties the said dispute has been resolved on the following terms and condition.

Terms of Settlement

- (1) The workman accepts his retirement w.e.f. 20-12-90 and he has no further grievance therefore.
- (2) The workman has admitted his receipt of P.F. accumulation by his letter dated 9-2-96 to GM, Sripur Area he accepts the said position (zerox copy of the said letter is annexed as annexure 'A').
- (3) A copy of this Memorandum with annexure will also be sent by the parties to the Central Government Industrial Tribunal, Asansol for his information and necessary action in this regard. Apart from sending copies to the authorities name below:

4. Both the parties accept the terms of this settlement as fair and both the parties signs their agreement out of their own fresh will.

Signature of the parties:

1. Sd./- Illegible,
Employer.

2. Sd./- Jai Kishan Mehta,
Workman.

3. Sd./- S. M. Jalal (Rajalal),
General Secretary. WBCSC,
T. P. Market, Asansol.
Union.

Dated 22-6-96.

[GM/SA/e-6D/12/96/2014]

नई दिल्ली, 6 मार्च, 1997

नई दिल्ली, 6 मार्च, 1997

कां.आ. 855 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई.सी.एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-22012/560/95-आई आर (सी-II)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 855.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E. C. Ltd. and their workman, which was received by the Central Government on 3-3-1997.

[No. L-22012/560/95-IR. (C-II)]

B. M. DAVID, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 35/96

Present :

Sri R. S. Mishra,
Presiding Officer.

Parties :

Employers in relation to the management of Ghanshyampur Colliery of M/s. E. C. Ltd.

AND

Their Workmen

Appearances :

For the Employer—Sri P. K. Das, Advocate.

For the Workmen—None.

Industry : Coal.

State : West Bengal.

Dated the 4th February, 1997.

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/560/95-IR (C.II) dated 21-8-96.

"Whether the action of the management of Ghanshyampur Colliery, under Kajora Area of M/s. ECL in dismissing Sh. K. L. Sinha, Ex-Dumper Challan Munshi is justified? If not, what relief the concerned workman is entitled to?"

2. The union does not file Written Statement and does not proceed with the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer.

कां.आ. 856 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-22012/307/92-आई आर (सी-II)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 856.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s B.C.C. Ltd. and their workman, which was received by the Central Government on 3-3-97.

[No. L-22012/307/92-IR (C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 47/93

Present :

Shri R. S. Mishra,
Presiding Officer.

Parties :

Employers in relation to the management of Damagoria Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

Appearance :

For the Employer—Sri P. K. Das, Advocate.

For the Workmen—Sri S. Singh, Branch Secretary.

Industry : Coal.

State : West Bengal.

Dated, the 29th January, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/307/92-IR (C.I), dated 13-9-1993.

"Whether the action of the management of Damagoria Colliery in not regularising Sh. Bharat Kumar Bhawalia as Weigh Bridge Clerk Gr. II is justified? If not to what relief is the concerned workman entitled to?"

2. The dispute has been settled by a mutual written settlement signed by the respective representatives and a copy of which is filed here.

3. Award as per the settlement is passed. Settlement to form a part of the award.

R. S. MISHRA, Presiding Officer.

Before the Presiding Officer, Central Government Industrial
Tribunal at Asansol

Reference No. 47/93.

Employer in relation to the Management of Damagoria
Colliery,

and

Their Workman.

Petition of compromise.

The humble petition on behalf of the parties to the above
reference most respectfully swoth :—

1. That the above dispute has been amicable settled
between the parties on the following terms :—

Terms of settlement.

- (a) That Sri Bharat Kr. Shawalia the concerned work-
man be regularised as Clerk, Gr. III with immediate
effect.
- (b) Since an Industrial Dispute is pending before the
Tribunal regarding designation as well as for giving
retrospective effect the management is hereby agreed
to designate him as Weigh Bridge Clerk in Gr. III
with immediate effect.
- (c) On the insistance of the union the management has
agreed to pay difference of wages of Gr. III for a
period of 1 (one) year only anterior to the date of
signing of agreement.
- (d) That the concerned workman will not claim any
back wages for working as Weigh Bridge Clerk till
date.
- (e) That neither the concerned workman nor any other
person on his behalf will raise any dispute in future
over his regularisation or any back wages.

2. That in view of the above settlement there remains
nothing to be adjudicated.

Under the facts & circumstances stated above the Hon'ble
Tribunal will be graciously pleased to accept the settlement as
fair and proper and be pleased to pass the award in terms of
the settlement.

For the workman.

For the Employers.

- | | |
|----|---|
| 1. | 1 |
| 2. | 2 |
| | 3 |

Witness :—

नई दिल्ली, 6 मार्च, 1997

कां०आ० 857 :—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय
सरकार एस०ई०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों
और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक
विवाद में औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को
प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को
प्राप्त हुआ था ।

[संख्या एल-22012/507/91-माई थार (सी-II)]

बी०एम० डेविड, डैस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 957.—In pursuance of Section 17 of the
Industrial Disputes Act, 1947 (14 of 1947). the
Central Government hereby publishes the Award
of the Industrial Tribunal, Bhubaneswar as shown
in the Annexure, in the industrial dispute between
the employers in relation to the management
S.E.C. Ltd. and their workman, which was received
by the Central Government on 3-3-97.

[No. L-22012/507/91-IR(C.II)]

B. M. DAVID, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA,
BHUBANESWAR

PRESENT :

Sri M. R. Behera, O.S.J.S. (Sr. Branch),
Presiding Officer, Industrial Tribunal,
Orissa, Bhubaneswar.

Industrial Dispute Case No. 27 of 1992
(Central)

Dated, Bhubaneswar, the 18th February, 1997

BETWEEN¹

The management of Jagannath Colliery of
South Eastern Coalfield Ltd., P.O. Dera
Colliery, Talcher, Dhenkanal.

—First Party-Management
AND

Their workman Sri Prafulla Kumar Sahu, Re-
presented through Jagannath Colliery,
Labour Union, At P.O. Balanda, Distt
Dhenkanal.

Second Party-workman

APPEARANCES :

Sri S. P. Gupta, Personnel Manager—For the
First Party-Management.

Sri P. K. Sahu, the Workman himself and Sri
S. N. Pani, General Secretary of the
Union—For the Second Party-Workman

AWARD

The Government of India, in the Ministry of
Labour in exercise of powers conferred upon them
by clause (d) of sub-section (1) and sub-section
(2A) of Section 10 of the Industrial Disputes Act,
1947 (14 of 1947), have referred the following
dispute for adjudication vide their Order No. L-
22012/507/91-IR(C.II), dated 16-6-92 :—

“Whether the action of the management of
S.E.C. Ltd., Talcher, in not giving pro-
motion to Shri P. K. Sahu, LDC/T of
Jagannath Colliery (Serial No. 40 of the

seniority list) from Gr. II to Gr. I Clerk w.e.f. 29-1-89 is justified? If not, to what relief the workman is entitled to?"

2. This case was posted to to-day for recording settlement. The second party-workman Sri Prafulla Kumar Sahu and the representative of the first party-management drew the attention of the Tribunal to the memorandum of settlement filed to the Tribunal on 24-1-97.

3. The second party-workman was explained the contents of the settlement and he acknowledged the terms of the compromise whole-heartedly. The second party-workman admitted in the Court that he has gone through the terms of the settlement. The terms of compromise do not seem to be unfair, therefore, the Tribunal has no reason to discard the compromise. Accordingly, the compromise is accepted. The Award is made in terms of settlement arrived at, between the parties. The memorandum of settlement be made part of the Award.

4. The reference is answered in terms of compromise, inter alia, terms of "settlement" reproduced hereunder :—

TERMS OF SETTLEMENT

- (1) That, Sri P. K. Sahu shall be given promotion to the post of Clerk, Gr. I w.e.f. 1-1-89 to the post of Sr. Clerk w.e.f. 27-8-93 at par with the promotion made to his colleagues, in order of seniority.
- (2) That, Sri P. K. Sahu shall be given notional seniority without any monetary benefit. However, the annual increment of Sri Sahu shall be protected.
- (3) That, the seniority of Sri P. K. Sahu shall be restored in the place in the cadre accordingly, basing on his notional date of promotion.
- (4) That, both the parties shall carry out the agreed terms of settlement on communication of the Award to this effect.
- (5) That, the case shall not be treated as precedence and shall be treated as full and final.
- (6) This is a fair settlement.

M. R. BEHERA, Presiding Officer

नई दिल्ली 6 मार्च, 1997

कां.आ. 858 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रवर्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद नं० 1 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-22012/59/एफ/92-ग्राई आर(सी-II)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 858.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Dhanbad No. 1 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 3-3-97.

[No. L-22012/59/92-IR (C.II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 96 of 1992

PARTIES :

Employers in relation to the management of Food Corporation of India, Darbhanga.

AND

Their workmen

(Ministry's Order No. L-22012/59/F/92-I.R. (C-II), dated 4-9-92).

CORRIGENDUM

In the Award dated 18-12-1996 passed in Reference No. 96 of 1992, the word "and regularisation of service" be added after the word "reinstatement" mentioned in line 10 of para 17 and the last sentence may be read as under :

"The management is directed to allow reinstatement and regularisation a service of the concerned workman from the date of his retrenchment i.e. after 15-5-1990 within two months from the date of publication of the award and to pay back wages as directed above."

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 6 मार्च, 1997

कां.ग्रां. 859 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई.सी.एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-22012/15/95-आई आर (सी-II)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 859.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 3-3-97.

[No. L-22012/15/95-IR (C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 38/95

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of
Natundaga Colliery of M/s. E.C. Ltd.

AND

Their workmen

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal STATE : West Bengal

Dated the 7th February, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Dis-

putes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/15/95-IR (C.II), dated 1-8-95.

"Whether the denial of the management in giving employment to the dependent on compassionate ground in place of deceased workman late Gora Koe, ex. plg. Loader, Natundanga Colliery is justified? If not, to what relief the dependent of the workman is entitled to?"

2. As intimated by the union itself, it does not want to proceed with the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 6 मार्च, 1997

कां.ग्रां. 860 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई.सी.एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-22012/514/94-आई आर (सी-II)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 860.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 3-3-97.

[No. L-22012/514/94-IR (C.II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 17/94

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of
Kumardihi Colliery of M/s. E.C. Ltd.

AND

Their workmen

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal STATE : West Bengal

Dated, the 6th February, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(514)/94-IR(C.II), dated 13-10-94.

"Whether the action of the management of Kumardihi 'A' Colliery, Bankola Area of M/s. Eastern Coalfields Ltd. P.O. Ukhra, Dist. Burdwan (W.B.) in dismissing Sh. Manishankar Bhandari, Ex-General Mazdoor w.e.f. 26-8-91 is legal and justified ? If not, to what relief is the workman entitled to ?"

2. The union does not take any step for hearing.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 6 मार्च, 1997

का०आ० 861.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-22012/50/93-आई आर (सी-II)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 861.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 3-3-97.

[No. L-22012/50/93-IR (C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 28/93

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of
Kalipahari (R) Colliery of M/s. E.C.
Ltd.

AND

Their workmen

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal STATE : West Bengal

Dated, the 7th February, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/50/93-IR(C.II), dated 7-6-93.

"Whether the action of the management of Kalipahari (R) Colliery of M/s. E.C. Ltd. in dismissing Smt. Mangli Mejhain, Wagon Loader, w.e.f. 28-10-88 from the services vide charge sheet No. AGT/KPH/87-1162, dated 17-7-87 is legal and justified ? If not, to what relief the workman is entitled to ?"

2. At the stage of hearing there is no response from the union.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 6 मार्च, 1997

का०आ० 862.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-22012/124/95-आई आर (सी-II)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 862.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 3-3-97.

[No. L-22012/124/95-IR (C-II)]

B. M. DAVID, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 51/95

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of
Kumardihi 'A' Colliery of M/s. E.C. Ltd.

AND

Their Workman

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal STATE : West Bengal

Dated the 7th February, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(124)/95-IR(C.II), dated 27-9-95.

"Whether the action of the management of Kumardihi 'A' Colliery under Bankola Area of M/s. E.C.L. P.O. Ukhra, Dist. Burdwan (W.B.) in dismissing Sh. Jagannath Mahato, ex-Driller w.e.f. 26-8-91 is justified or not? If not, to what relief the workman concerned is entitled?"

2. As intimated by the union itself, it does not want to proceed with the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 6 मार्च, 1997

कां०आ० 863.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई०सी०एल० के प्रबन्धन के संबंध निोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-22012/513/94-आई आर(सी-II)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 863.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 3-3-97.

[No. L-22012/513/94-IR (C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 18/94

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of
Chora Colliery of M/s. E.C. Ltd.

AND

Their Workman

APPEARANCES :

For the Employer—None.

For the Workman—None.

INDUSTRY : Coal STATE : West Bengal

Dated the 7th February, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute

to this Tribunal for adjudication vide Ministry's Order No. L-22012/513/94-IR(C.II), dated 13-10-94.

"Whether the action of the management of Chora Phase I or Kendra Area under M/s. Eastern Coalfields Ltd., P.O. Bahula, Distt. Burdwan (W.B.) in denying regularisation of Sh. Bhajakari Bouri, Explosive Carrier as office peon is justified? If not, to what relief is the workman entitled to?"

2. The union does not take any step for hearing.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 6 मार्च, 1997

का०ग्रा० 864.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[सं० एल० 22012/34/95/आई आर (सी-II)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 864.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 3-3-97.

[No. L-22012/34/95-IR (C.II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 5/94

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of Sodepur Colliery of M/s. E.C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal STATE : West Bengal

Dated the 7th February, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/34/95-IR(C.II), dated 13-7-95

"Whether the action of the management of Sodepur (R) Colliery in not granting double wages to the workers who had worked on holiday as per existing practice on 14-11-89 and not promoting Shri Kalyan Mukherjee as Surveyor Tech. and Supervisor Gr. 'A' having passed the Surveyor examination w.e.f. 22-10-91 is justified? If not, to what reliefs the concerned workmen entitled to?"

2. The union does not file Written Statement and does not proceed with the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 6 मार्च, 1997

का०ग्रा० 865.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-22012/487/95-आई आर (सी-II)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 865.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 3-3-97.

[No. L-22012/487/95-IR (C.II)]

B. M. DAVID, Desk Officer

ANNEXURE

New Delhi, the 5th March, 1997

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 37/96

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of
Kajora Area Colliery of M/s. E.C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal STATE : West Bengal

Dated the 7th February, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/487/95-IR (C.II), dated 21-8-96.

"Whether the action of the General Manager of Kajora Area in denial of regularisation of Sh. Ajit Dhangar, Security Guard in T & S Grade 'G' from 13-11-87 is justified? If not, what relief the workman is entitled to?"

2. The union does not file Written Statement and does not proceed with the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 5 मार्च, 1997

का०श्रा० 866.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल पब्लिक वर्क्स डिपार्टमेंट के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-97 को प्राप्त हुआ था।

[संख्या एन-42012/98/91-आई आर (डी०यू०)]

के०बी०बी० उन्नी, डैम्क अधिकारी

S.O. 866.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Public Works Deptt. and their workmen, which was received by the Central Government on 5-3-97.

[No. L-42012/98/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, VISAKHAPATNAM

Present :

Smt. G. Jaishree, B.Sc., LL.M., Chairman & Presiding Officer.

Thursday, the 13th day of February, 1997
I.T.I.D. No. 14/92 (Central)

BETWEEN

N.V.V. Anand Kumar,
S/o Sri N. Krishna Murthy,
D. No. 55-14-4, A.P.S.E.B. Colony,
Seethamadara,
Visakhapatnam-530 013.

.. Workman

AND

The Executive Engineer,
Visakhapatnam Central Division-I,
C.P.W.D.-M.A.D.,
Visakhapatnam-530 009.

.. Management

This dispute coming on for final hearing before me in the presence of the petitioner in person and Sri Ch. Veeranna, Government Pleader for management, upon hearing the arguments of both sides the court passed the following :

AWARD

(1) In this case reference is made by the Government of India for adjudication of the dispute u/s 10(1)(d) of the I.D. Act in the following terms :

"Whether the action of the Central Public Works Department, Visakhapatnam in terminating the services of Sri N.V.V. Ananda Kumar, Typist, is justified? If not, what relief the workman concerned is entitled to?"

(2) Claim statement is filed by the workman stating that he was working with the Executive Engineer, Central PWD, Visakhapatnam Central Division No. 1, as Typist from 4-11-89 to 11-10-90 and was paid Rs. 36/- per day. Along with him two other persons were also working and all of them were paid only for the actual days of work and were not paid on Sundays. These amounts were drawn in the Head of Account 2059 (PW wages). The Superintendent Engineer (Co-ordination) CPWD, Madras issued circular dated 9-8-90 regarding absorption of persons working in the department on temporary or casual basis and the Executive Engineers were asked to send the names. But the respondent herein did not forward the name of the petitioner and he made verbal request for sending the name so that he may be regularised. The petitioner mentions another circular dt. 10-9-90 regarding maintenance of seniority list of daily rated muster roll workers for the purpose of regularisation on the work charged establishment. The respondent did not send his name though he worked for more than one year without any break and he asked the petitioner not to attend for his duty from 12-10-90 onwards and wages were paid only after 30-9-90 through M/s. Maruthi Adds (P) Ltd. It is pleaded that using service of M/s. Maruthi Adds (P) Ltd. for supply of personnel is opposed to law and as his services were ter-

minated without following provisions of law and while retaining his juniors he may be reinstated with back wages giving protection of seniority.

(3) In the counter filed by the management/respondent, this petition is opposed stating that the petitioner was sponsored by M/s. Maruthi Adds (P) Ltd. vide letter dated 3-10-89 for attending the office work and he worked upto 11-10-90. He was paid Rs. 30/- per day upto 28-2-90 and thereafter at Rs. 36/- per day and this amount was paid to M/s. Maruthi Adds (P) Ltd. on receipt of their bill every month. The workman was not paid by the office and payment was made to M/s. Maruthi Adds (P) Ltd. It is pleaded that the circular dated 9-8-90 is meant for seniority list of NMR/daily rated and hand receipt workers directly engaged in CPWD and the case of the petitioner is not covered by the same as he is not engaged by CPWD office but only sponsored by M/s. Maruthi Adds (P) Ltd. The circular dated 10-9-90 also relates to the seniority list of daily rated muster roll workers for the purpose of regularisation on the work charged establishment whose pay and allowance are chargeable to works but not for the nominees like the workman. Thus, it is pleaded that the petitioner was deputed by M/s. Maruthi Adds (P) Ltd., Visakhapatnam for meeting the temporary requirement of attending typing work for a limited period and his services were dispensed with when the need ceased and the question of termination does not arise. Thus, it is pleaded that the services of the petitioner cannot be regularised in the department and the workman is not entitled to any relief and his claim may be dismissed.

(4) On behalf of the workman, he got himself examined as WW1 and also examined WW2 and got marked Exs. W1 and W2. For the management, no oral evidence is adduced but Exs. M1 to M7 are marked.

(5) Both sides filed written arguments. Perused written arguments filed by both sides and the entire material on record.

(6) The points that arise for consideration are :

- (1) Whether the petitioner is employed by the respondent?
- (2) Whether the service of the petitioner is terminated illegally?
- (3) Whether the petitioner is entitled for regularisation as claimed?
- (4) To what relief is the workman petitioner entitled?

(7) Point No. 1 : The petitioner deposes as WW1 that he worked as Typist with the respondent from 4-10-89 till 11-10-90 on daily wage basis and was paid Rs. 36/- per day only for the days actually worked and not on Sundays and other holidays and his wages were drawn under the head of account 2059-PW wages. Thus, he claims that he was appointed by the respondent and his services were drawn by the department under the head wages and therefore he is an employee of respondent. But in his chief examination itself, he deposes that he approached the respondent for work and he was told that they are taking the workers sponsored by Maruthi Adds (P) Ltd. and then he went to M/s. Maruthi Adds (P) Ltd., who gave him recommending letter on which he was taken by the respondent for working as Typist. He pleads that the action of the respondent in taking him through a private agency under man power supply is contrary to law. But in his cross-examination he admits that he was not paid wages directly by CPWD but he used to receive wages from Maruthi Adds (P) Ltd., who used to receive his wages from CPWD. This evidence of petitioner shows that he was not employed by the respondent but he was engaged by the respondent on contract basis in pursuance of contract of the respondent with Maruthi Adds (P) Ltd. WW2, the petitioner's own witness also deposes that the petitioner was paid wages on contract basis. Thus, admitted facts clearly show that the petitioner was never employed by the respondent as daily rated worker. WW1 does not deny that his wages are not drawn under the head of account 2059 PW but he merely says that to his knowledge it was drawn under the head 2059 PW wages. There is nothing on record to show that his wages were drawn under the head of account 2059 PW wages. The fact that he was not paid wages directly but his wages were paid by the respondent to the

M/s. Maruthi Adds (P) Ltd., clearly shows that the petitioner was working for M/s. Maruthi Adds (P) Ltd. on contract basis and not directly engaged by the respondent. The petitioner relies upon a judgment of the Supreme Court reported in 1955 (1) LLJ page 688 in Shivanandana Sharma Vs. Punjab National Bank Ltd. for pleading that there is master and servant relationship between the respondent and himself. But this decision does not apply to the facts of the present case in much as in the said case before the Supreme Court the persons were directly employed by the bank under a contract and in those circumstances, the question which arose was whether there was master and servant relationship between the bank and the said employees. But in the present case, the petitioner was never employed by the respondent directly either on the contract basis or otherwise but he was supplied to the respondent by the contractor i.e. M/s. Maruthi Adds (P) Ltd. In the other decision of the Supreme Court relied upon by the petitioner himself, reported in 1994 AIR SCW page 2460, the Supreme Court observed that it is a matter to be established on material produced before court, as to at what point of time the contract link is established between the contract labourers and principal employer, eliminating contract or from the scene. In the present case, the petitioner is a contract labour and this observation of the Supreme Court applies in this case. In the present case there is no material on record to show that the contractor i.e. M/s. Maruthi Adds (P) Ltd. was eliminated from the scene at any time establishing a direct link between the petitioner and the respondent. The petitioner clearly mentions in the petition itself that he was paid wages upto 30-9-90 through M/s. Maruthi Adds (P) Ltd. and he was removed on 12-10-90. This fact indicates that till the last, the petitioner worked with the respondent, only as a contract labour supplied by M/s. Maruthi Adds (P) Ltd. It is contended by the petitioner on the basis of evidence of WW2 that the petitioner was asked to stop work by the respondent, that as the respondent asked the petitioner directly to stop work, he should be deemed to be an employee of the respondent. But there is no force in this contention in as much as the respondent may at any time stop the contract labour working and the same need not necessarily be with prior intimation to the contractor. When so stopped the petitioner is to inform the same to the contractor and as rightly contended by the respondent, such stopping of work is only intimation to the contractor through the contract labour and the same does not establish any relationship of employer and employee between the parties. In all these circumstances, I come to the conclusion that the petitioner is not an employee of the respondent. I hold on this point accordingly.

(8) Point No. 2.—The petitioner deposes that he worked for more than one year and therefore he is not liable to be terminated. In view of my finding on point No. 1 above, that the petitioner is not an employee of the respondent, the petitioner does not get any right of continuation of the employment with the respondent. It is stated in the counter that the respondent was engaged through the contractor temporarily for meeting the temporary requirement of attending typing work for a limited period and when the need was no longer there, his services were dispensed with. The petitioner does not deny this situation in his evidence and the respondent is the best judge of the requirement of any personnel in the exigencies of work. Thus, the respondent has rightly stopped the petitioner from working and the same is not illegal. The petitioner is not entitled either to notice or notice pay or retrenchment compensation under Sec. 25F of I.D. Act against the respondent herein as he is only a contract labour in so far as the respondent is concerned. Thus, I hold on this point that the service of the petitioner is not terminated illegally by the respondent.

(9) Point No. 3 : The petitioner deposes as WW1 that he is entitled to be absorbed and regularised in service as per the circular issued by the Superintendent Engineer, Madras dated 9-8-90 and also the circular issued by the Director of General of Works CPWD, New Delhi dated 10-9-90 but the respondent did not send his name for regularisation and did not include his name in the seniority list. But his own evidence shows that the former circular relates to absorption of daily rated wage workers and the later circular relates to the preparation of the seniority list of all daily rated/muster roll workers for their absorption. In view of my finding on point No. 1 above, the petitioner is not a daily rated wage worker nor he is on the muster roll of the respondent and therefore these circulars have no application to the petitioner

and accordingly he is not entitled for absorption and regularisation. Accordingly, I hold on the point that the petitioner is not entitled for regularisation of his services.

(10) Point No. 4 : In view of my findings on point 1 to 3 above, the petitioner is not entitled to any relief in these proceedings.

(11) In the result, nil award is passed answering the reference as follows : "The action of the Central Public Works Department, Visakhapatnam in terminating the services of Sri N.V.V. Anand Kumar, Typist, is justified and the workman concerned is not entitled to any relief."

Dictated to steno transcribed by her given under my hand and seal of the court this the 13th day of February, 1997.

SMT. G. JAISHREE, Chairman & Presiding Officer
APPENDIX OF EVIDENCE IN I.T.I.D. NO. 14/92(C)

WITNESSES EXAMINED :

FOR WORKMAN : FOR MANAGEMENT :

WW1 : N.V.V. Ananda Kumar —None—

WW2 : N. Vasudeva Rao.

DOCUMENTS MARKED :

FOR WORKMAN :

Ex. W1 : 13-10-90 : Representation to management by workman.

Ex. W2 : Letter to ALC, Visakhapatnam by workman.

FOR MANAGEMENT :

Ex. M1 : 9-8-90 : Letter to Dy. Director, CPWD, New Delhi.

Ex. M2 : 9-8-90 : Judgment dated 23-4-87 issued under letter dt. 3-1-90.

Ex. M3 : 10-9-90 : Letter of Director General of Works CPWD, New Delhi.

Ex. M4 : Official Memorandum.

Ex. M5 : 28-9-92 : Letter of Director of General, New Delhi.

Ex. M6 : 12-3-92 : Xerox copy of Judgment in OA. 1121/91 by CAT/New Delhi.

Ex. M7 : 12-3-92 : Extract of News appeared in Indian Express on 14-2-1992.

नई दिल्ली, 5 मार्च, 1997

कां०अ० 867.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिपार्टमेंट ऑफ पोस्ट के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-97 को प्राप्त हुआ था।

[संख्या एल-42012/182/91-आई आर (डी०यू०)]

के० बी० बी० उन्नी, डेस्क अधिकारी

New Delhi, the 5th March, 1997

S.O. 867.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of

Department of Posts and their workman, which was received by the Central Government on 5-3-97.

[No. L-42012/182/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, VISAKHAPATNAM

PRESENT :

Smt. G. Jaishree, B.Sc., LL.M.,
Chairman & Presiding Officer.

Friday, the 7th day of February, 1997

I.T.I.D. No. 12/92(C)

BETWEEN

Smt. V. Lalitha Kumari,
Ex-Branch Post Master,
Seetharamapuram (PO),
Parvathipuram,
Vizianagaram Distt.-532502.

....Workman

AND

The Supdt. of Post Offices,
Parvathipuram Division,
Parvathipuram,
Vizianagaram Distt.-532502.

....Management

This dispute coming on for final hearing before me in the presence of Sri K. Krishna Mohan, advocate for workman and A. A. Swamy, Asst. Government Pleader for management, upon hearing the arguments of both sides the court passed the following :

AWARD

(1) In this case reference is made by the Government of India under Section 10(1)(d) of the I.D. Act in the following terms :

"Whether the action of the Postal Department in terminating the services of Smt. V. Lalitha Kumari, Ex-Branch Post Master is justified ? If not, what relief the worker concerned is entitled to ?"

(2) It is stated in the claim statement that the workman was appointed as branch Post Master at Addapuseela village in Parvathipuram Mandalam, Vizianagaram district on 26-6-1987 by the respondent and she is a workman and the respondent is an employer within the purview of Industrial Disputes Act, 1947. Earlier, her father-in-Law working as Branch Post Master in this village and when he died her husband was given the charge and later he was removed and the petitioner was appointed on 26-6-87 and she worked as such till

30-3-89 continuously without any break and thus, put in more than 540 days but she is retrenched without any notice and without payment of terminal benefits as contemplated by the Industrial Disputes Act and in her place a B.C. candidate was appointed contrary to the order of the Director General to notify the vacancy through Employment exchange for recruitment of locals. The petitioner pleads that the retrenchment which is contrary to Industrial Disputes Act, is illegal and she may be directed to be reinstated with full back wages and continuity of service.

(3) In the counter filed by the management i.e. Superintendent of Post Offices, Parvathipuram, the petition is opposed on the ground that the petitioner is not a workman within the meaning of Industrial Disputes Act but she is an agent to the department, under the contract between the petitioner and respondent and is bound by Contract Act. It is pleaded that no written order is required to terminate the petitioner and this court has no jurisdiction to entertain the petition. The other averments made in the petition are denied in general. Thus, it is pleaded that the petition may be dismissed.

(4) On behalf of the workman, she got herself examined as WW1 and no documents are marked. On behalf of the management, the office superintendent working in the Office of Superintendent of Post Offices, Parvathipuram is examined as MW1 and Exs. M1 to M9 are marked.

(5) Heard arguments of the counsel for the management. The learned counsel for workman is called absent at the time of arguments.

(6) The points that arise for consideration are :

- (1) Whether this court has got jurisdiction to entertain this petition ?
- (2) Whether the service of the petitioner is terminated illegally ?
- (3) To what relief is the workman entitled ?

(7) Point No. 1 : It is contended by the management that the petitioner is not a workman and the respondent is not an industry within the meaning of I.D. Act and therefore this court has no jurisdiction to entertain the petition. The learned counsel for the management relied upon a decision of the Supreme Court reported in Civil Appeal No. 3385-86/87 and others dealing with the same service of extra departmental staff in postal department and appointment of extra departmental sub-post masters and extra departmental branch post masters etc. The Supreme Court clearly held in this case that these employees are civil servants regulated by conduct rules and they do not come under the category of workmen within the provisions of I.D. Act. Following this decision, I hold that the petitioner herein is not a workman within the meaning

of I.D. Act, and therefore I hold on this point that this court has no jurisdiction to entertain the petition.

(8) Point No. 2 : The petitioner deposes as WW1 that she worked as Branch Post Master at Addapuseela village in Parvathipuram(M), Vizianagaram distt. from 26-6-87 till 30th March, 1989 continuously without any break and thus, she worked for 540 days continuously but she is removed on 30-3-89 and one Sri Ramulu was appointed in her place. She is not given any notice, or notice pay nor paid any retrenchment compensation. She pleads that her services are terminated illegally. Therefore the termination may be set aside and she may be reinstated with full back wages and continuity of service. But according to management, as deposed by MW1, the petitioner was appointed when her father-in-law who was the regular incumbent expired. MW1 deposes that immediately after his death, the petitioner's husband was appointed and thereafter the petitioner was appointed on her application removing her husband as he committed some mistake. Ex. M4 dated 27-6-87 in her application and Ex. M5 is the document showing taking of charge by the petitioner from her husband. MW1 further deposes that since there was no time to regular arrangement when the permanent incumbent died, the petitioner was appointed on compassionate grounds and in Ex. M5 it is clearly mentioned that it is tentative arrangement. A perusal of Ex. M5 shows that on the top of it, the words "tentative arrangements" are mentioned. Further, MW1 deposes that at the time of taking charge, they took declaration from the petitioner under Ex. M1. A perusal of Ex. M1 shows that the petitioner declares that she understands that this is only a tentative appointment, which is purely provisional and is likely to be terminated at any time without prior notice or without assigning any reasons. It is further stated therein that she understands that she has to hand over charge to the candidate selected in open competition selected by the Superintendent of Post Office, Parvathipuram. When confronted with this document in her cross-examination, WW1 denies her signature on this document but a comparison of her alleged signature on Ex. M1 with that of her admitted signature on Ex. M4 shows that both are in the same hand. This shows that Ex. M1 is executed by the petitioner herself on the date of her appointment and taking charge i.e. 26-7-87 and she is falsely denying her signature on this document. All these documents under Ex. M1, M4 and M5 clearly show that she was appointed on ad hoc basis only till regular appointment is made and she has right to the post.

(9) MW1 further deposes that steps were taken to fill-up the vacancy with regular candidates by addressing the employment exchange to sponsor the candidate vide Ex. M6. He deposes that since

on ad hoc basis only till regular appointment is exchange, open notification was issued in the village vide Ex. M7 and wide publicity was given in the village by tom-tom. He states that in responses to the notification, 6 applications were received including that of the petitioner herself under Ex. M8. He further deposes that as per the educational qualifications furnished by the petitioner under Ex. M2 and M3 she was not qualified as she did not pass 10th class which is minimum qualification for this post as per the rule under Ex. M9 governing selection to this post. I do not find anything in the cross-examination of this witnesses to disbelieve his evidence. It is suggested that Ex. M7 notification is a created one but the witness denies the same stating further that in pursuance of this notification only the petitioner submitted her application. He states in his cross-examination that no notice was given before her termination as it is not necessary because the petitioner worked temporarily and she was removed as regular candidate was selected. Thus, the entire material on record shows that the petitioner was temporarily appointed till the regular candidate was appointed and she was not appointed regularly as she did not satisfy the minimum qualification of pass in 10th class as required by the relevant rule under Ex. M9. She specifically declared under Ex. M1 that she would hand over the charge to the regular candidate whenever appointment is made on regular basis. Thus, it is evident that the petitioner is removed in pursuance of express contract between the parties and no notice or retrenchment compensation is necessary before her removal. Accordingly, I hold on this point that the service of the petitioner is not terminated illegally but her termination is legal and valid.

(10) Point No. 3 : In view of my findings on point No. 2 above, the petitioner is not entitled to any relief in these proceedings.

(11) In the result, nil award is passed answering the reference as follows : "The action of the postal department in terminating the service of Smt. V. Lalitha Kumari, Ex-branch Post Master is justified and she is not entitled to any relief".

Dictated to steno transcribed by her given under my hand and seal of the court this the 7th day of February, 1997.

SMT. G. JAISHREE, Chairman &
Presiding Officer

APPENDIX OF EVIDENCE IN I.T.I.D. NO.
12/92(q)

WITNESSES EXAMINED

For Workman : WW1 : V. Lalitha Kumari.

For Management : MW1 : T. K. Kannarao.

Documents Marked : For Workman : Nil,

For Management :

Ex. M1 : 27-6-87 : Declaration of workman.

Ex. M2 : 12-6-89 : 8th class pass certificate.

Ex. M3 : 29-3-84 : Transfer certificate.

Ex. M4 : 27-6-87 : Application for the post of Br-Post Master.

Ex. M5 : 27-6-87 : Charge report on transfer of charge.

Ex. M6 : 23-7-87 : Letter to Employment Exchange by management.

Ex. M7 : 26-8-87 : Open advertisement notification.

Ex. M8 : 16-9-87 : Application made by the petitioner.

Ex. M9 : Method of Recruitment for the post.

नई दिल्ली, 6 मार्च, 1997

का०आ० 868.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 अनुसर्गण में, केन्द्रीय सरकार टेलिकोम विभाग, धर्मावरम के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-97 को प्राप्त हुआ था।

[सं०एल— 40012/53/95-आईआर(डी)]

के०वी०बी० उन्नी, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 868.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 5-3-1997.

[No. L-40012/53/95-IR(DU)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I
AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I.

Dated : 8th day of November, 1996.

INDUSTRIAL DISPUTE NO. 85 OF 1996

BETWEEN

Shri M. Krishna Reddy S/o M. Narapa Reddy,
Aravakur, Manuru PO Kuderu (Mandal)
Ananthapur Dist. 515 001.

.. Petitioner

AND

The S.D.O., Telecom, Dharmavaram-
515 672. .. Respondent

APPEARANCES :

None for the Petitioner,

Sri P. Damodar Reddy, Advocate for the
Respondent.

AWARD

The Govt. of India, Ministry of Labour, New Delhi made a reference by its Order No. L-40012/53/95-IR(DU) dated 27-6-96 under Sections 10(1)(d) & 2A Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :—

“Whether the action of the management of Sub-Divisional Officer, Telecom, Dharmavaram is justified in terminating the services of Shri M. Krishna Reddy? If not, to what relief the workmen is entitled to?”.

2. After receipt of the said reference, this Tribunal issued notice to both the parties. The said notice was served on both the parties. But the petitioner did not appear before this Tribunal on 26-8-1996, 8-10-1996 and 8-11-1996. No representation was also made on his behalf. It is necessary to keep the matter pending in this Tribunal as the petitioner is not evincing interest either to appear or to file claims statement, though the notice was served on him. Hence the reference is closed.

Given under my hand and the seal of this Tribunal, this the 8th day of November, 1996.

V. V. RAGHAVAN, Industrial Tribunal

नई दिल्ली, 6 मार्च, 1997

कां०आ।० 869.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलिकोम विभाग, हिन्दूपुर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-97 को प्राप्त हुआ था।

[मं० एल- 40012/85/95-आईआर(डीयू)]
के०बी०बी० उज्जनी, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 869.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Deptt. Hindupur and their workman, which was received by the Central Government on 5-3-1997.

[No. L-40012/85/95-IR(DU)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I
AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I.

Dated : 8th day of November, 1996.

Industrial Dispute No. 88 of 1996

BETWEEN

Sri V. Venkataswamy S/o. Ramanna,
Village Nagireddypalli, Kadiri (PO & Mandal), Ananthapur District 515 001.

.. Petitioner

AND

The S.D.O., Telecom, Hindupur-515 201.

.. Respondent

APPEARANCES :

None for the Petitioner,

Sri P. Damodar Reddy, Advocate for the Respondent.

AWARD

The Govt. of India, Ministry of Labour, New Delhi, by its Order No. L-40012/85/95-IR(DU), dated 27-6-96 made a reference under Sections 10(13d) & 2A Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :—

“Whether the action of the management of Sub-Divisional Officer, Telecom, Hindupur is justified in terminating the services of Shri V. Venkataswamy? If not, to what relief the workman is entitled to?”.

2. After receipt of the said reference, this Tribunal had issued notices to both the parties. The said notice was served on both the parties. The

respondent appeared and filed Vakalat. But the petitioner did not appear before this Tribunal though notice was served on him. The matter was posted from time to time for his appearance as well as filing Claims Statement. But he did not turn up and even no representation was made on his behalf. Therefore there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal, this the 8th day of November, 1996.

V. V. RAGHAVAN, Industrial Tribunal

नई दिल्ली 4 मार्च, 1997

का०ग्रा० 870.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ग्रिन्डलेयस बैंक पी.आई.सी., कलकत्ता के प्रबन्धतंत्र के संबद्ध निधोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-97 को प्राप्त हुआ था।

[संख्या एल-12012/33/87-डी. 4(0)-आई ग्रा (बी1)]

पी०जे० माईकल, डेस्क अधिकारी

New Delhi, the 4th March, 1997

S.O. 870.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Grindlays Bank P.I.C. Calcutta and their workman, which was received by the Central Government on 3-3-1997.

[No. L-12012/33/87-D.IV (A)/I.R. (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 103 of 1988

PARTIES :

Employers in relation to the management of Grindlays Bank P.L.C. Calcutta
653 GI 97—15

AND

Their workmen:

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCE :

On behalf of Management—Mr. N. V. Srinivasan,
Manager Employee Relation.

On behalf of Workmen—Mr. Ajit Banerjee, President
of the Union.

STATE : West Bengal

INDUSTRY : Banking

AWARD

By Order No. L-12012/33/87-D.IV (A) dated 11th August, 1987 the Central Government in exercise of its powers under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Grindlays Bank P.I.C. Calcutta in declining to accept the date of birth of Shri Shakti Pal, Clerk, Grindlays Bank P.I.C., Netaji Subhas Road, Calcutta, recorded as 10-1-1948 in the Admit Card and Certificate issued by the West Bengal Board of Secondary Education in favour of Shri Pal, is justified? If not, to what relief the workman is entitled?"

2. Both the parties appeared and filed their written statements in the case.

3. In the written statements filed on behalf of the workman, it has been asserted that the actual date of birth of Shri Shakti Pal a Clerk of the Grindlays Bank at Netaji Subhas Road, Calcutta is 10-1-48. The management, however in their own record had incorrectly mentioned his date of birth as 3-1-1947. Which mistake the workman came to discover in the month of April 1983 when he was asked to fill up the W. S. form of the Bank and made a representation to the management by his letter dated 27-4-1983, marked Ext. W-3, requesting the authorities to make necessary corrections and substitute the incorrectly recorded date 3-1-1947 and mention his real correct date of birth 10-1-1948 in its place and enclosed a photo copy of the Admit Card marked Ext. W-1 of the West Bengal Board of Secondary Education which was issued to him while sitting for the School Final Examination held on 28 March 1967. The workman mentioned in the said letter if the original of the Admit Card was required, he was prepared to produce the same as and when called for. Pursuant to which he had received a letter dated 28 April, 1983, marked Ext.

W-4 in the case, from the Bank under the signature of the Assistant Manager requiring him to send the original matriculation certificate for inspection. The concerned workman pursuant to the letter of the Bank dated 28 April, 1983, enclosed the original certificate received by him from the West Bengal Board of Secondary Education which also showed his date of birth to 10 January 1948. This letter of Shri Pal dated 28 April 1983 has been marked as Ext. W-5 in the case. The Bank however, did not accede to his request for making the necessary correction even though the West Bengal Board of Secondary Education's certificate marked Ext. W-2 in the case was submitted to the authorities. The contention of the workman therefore is that the Bank was arbitrary in refusing to accept his correct date of birth which according to him is 10-1-1948 and substantiated by the documentary evidence referred to above and continued to treat his date of birth as 3-1-1947. It is the further contention of the workman that at the time of his entry into the service, he had produced this Admit Card but the management had not recorded the date of his birth as shown in the Admit Card but recorded a completely wrong date 3-1-1947 in its place.

4. According to the management, the workman had not filed any documentary evidence of his date of birth at the time of his entry into the service and only when belatedly in 1983 made a grievance before the Bank for necessary correction of his date of birth alleging that the recorded date 3-1-1947 was wrongly recorded. The authorities proceeded to enquire from the Chinsurah Municipality and requested the Municipality to inform the Bank about the exact date of birth since the date of birth recorded in the Hooghly Chinsurah Municipality within whose territorial jurisdiction the workman had taken his birth. The correspondence between the Bank and the Health Officer of the Municipality seeking the date of birth from the Register of birth maintained by the Municipality have been collectively marked as Ext. M-5 on behalf of the management and ultimately the management received the xerox copy of the register which has been marked Ext. M-6. The first page of Ext. M-6 only shows that Sudhir Kumar Pal who is admittedly the father of Shakti Pal has reported the birth of a male child and the date of birth of the same child has been shown in column No. 4 as 13-11-1947. The fact that the present workman is the son of Sudhir Kumar Pal is borne out from Ext. M-8, an application of the Bank for certified copy of the birth Register made to Hooghly Chinsurah Municipality and which fact is also borne out from the evidence of the workman who gave the name of his father as late Sudhir Kumar Pal. A xerox copy of the Register of Birth sent by the Hooghly Chinsurah Municipality marked Ext. M-8 shows the present workman's date of birth as 13-11-1947. This has also a reference to the Ext. M-6. Ext. M-8 is also another xerox copy of the extracts of the Register of Birth as on 1947 which also shows that the name of the reporter is Sudhir Kumar Pal and that the date of birth of his male child is 13-11-1947. These two extracts are collectively marked as Ext. M-8.

The management therefore says that the claim of the workman that his date of birth was 10-1-1948 was not justified and therefore the Bank committed no mistake in declining to accept the date of birth of Shri Shakti Pal as 10-1-1947 as was borne out in the Admit Card and the certificate issued by the West Bengal Board of Secondary Education.

5. By an application dated 3-8-1992 the Union made a prayer before the Tribunal asking for a direction to the Bank to file in Tribunal the application of the workman Shakti Pal seeking employment with the Bank. This was the document referred to as (a) in the said application. This Tribunal by its order dated 20-8-1992 directed the Bank to produce that document within 3 weeks. This document however was not filed by the management in spite of the said direction. This application would have a bearing on the date of birth since the Applicant was supposed to indicate the date of birth in the application.

6. There is no evidence led by the Bank on the basis of what the Bank had recorded the date of birth of Shri Pal as 3-1-1947. This date is also very different from the date of birth as is recorded in the Register of Birth which I already stated is 13-11-1947. From this it transpires that the management had no written document or any positive material on the basis of which the Bank had recorded the date of birth of the workman as 3-1-1947, which is obviously without any basis.

7. The workman therefore had every justification when he found the date of his birth mentioned wrongly as 3-1-1947 while filling the W.S. form in April 1983 and produced the Admit Card as well as the matriculation certificate Ext. W-1 and W-2 in support of his contention to record his date of birth as 10-1-1948. It is not the evidence of the management that in every case they try to verify the date of birth with reference to the Register of Birth before it is recorded in the official documents. It is therefore, not known why in the present case the management was eager to collect that date of birth from the Register of Birth only to find that the claimed date of birth 10-1-1948 and the date as shown in the Register of Birth as 13-11-1947 leaves a very small gap of less than 2 months and for which the matter is lingering in the Tribunal for almost 9 years. The recording of the Bank showing the date of birth 3-1-1947 as evident from the exhibit filed by the management namely the personal data form marked Ext. M-2 in the case.

8. When the case was before the Tribunal, the workman also produced xerox copies of his two L.I.C. policies showing his date of birth as 10-1-1948. He has also proved his studentship in the Hooghly Joytish Chandra Bidyapith by filing a mark-sheet issued by the West Bengal Board of Secondary Education, marked Ext. W-9.

9. The management, however, challenges Ext. W-1 which they have objected to on the ground that the signature of the supervisor issuing the Admit Card is a facsimile signature and that the matriculation certificate issued by the West Bengal Board of Secondary Education Ext. W-2 is only a duplicate certificate and should not be relied on.

10. The workman who had examined himself as a witness in the case as WW-1 has stated in cross examination that he had lost original matriculation certificate while shifting his house and application had obtained this certificate which is the original certificate received by him though issued as duplicate certificate because of the loss. He has also stated in evidence that he had passed the examination from the Hooghly Joytish Chandra Bidyapith. The workman has substantiated his claim further by filing the form of nomination which he filed in the Bank making his wife nominee which is marked Ext. W-6 in the case. This also shows the date of his birth to be 10 January 1948 and bears the signature of the Branch Manager at the bottom of it, who had certified that the declaration made in the form was signed by Shri Shakti Pal before him, after he had read the entries. This document is dated 10-9-1980, much before April, 1983 and is marked Ext. W-6.

11. The management however produced another similar nomination form marked Ext. M-1 bearing the seal of the Bank and signature of the Manager on the top, which was also objected to by the workman. This document shows that the date of birth of the workman had been written as 10th January, 1948 but subsequently 1948 had been scrolled through and 1947 has been written. No materials has been led that this correction had been done by the workman in his own hand. On the other hand, it is the case of the Union that this document which comes from the custody of the management, has been corrected while it is in their custody and not by the workman. This document itself also does not show the date of birth of the workman is either 3-1-1947 or 13-11-1947 but it shows 10-1-1948 and subsequently has been scrolled through and 1947 has been written.

Another exception has been taken by the management against the document Ext. W-6, the form of nomination dated 10-9-1980 as the Pension Notification appearing on the top of the nomination does not show any number whereas Ext. M-1 dated 3-3-1978 shows the Pension Notification Number. The workman has explained that since Ext. M-1 was forwarded it had carried the Pension Notification Number whereas the one which was filed later on 10-9-1980 was not so forwarded, therefore did not carry the Pension Notification Number.

12. Taking into consideration all these evidence, I am of the view that the management had no basis to record 3-1-1947 as the date of birth and had not any materials before it to disbelieve the date of birth mentioned in the Admit

Card Ext. W-1 and the matriculation certificate Ext. W-2. In the ordinary course since the law is well settled that the matriculation certificate is an admissible piece of evidence with great probative value, unless it is forged, there is no cogent reason found from the records as to why the management was so eager to probe into the Birth Register of the workman on the face of the admit card and the matriculation certificate and even though it was necessary for any good reason, no opportunity has been given to the workman to say why his matriculation certificate or the admit card were not believed. In which case, the workman could have been allowed to explain whether the reporting of the father in the Municipality was erroneous and that the correct date has been duly recorded in his School Register or what are the other special features why his date of birth 10-1-1948 was expected to be correct date of birth, not only in the School Register, but also in other records that subsequently came into existence namely, insurance policies.

That the date of birth indicated in the matriculation certificate has a great probative value has already been held apart from different Hon'ble High Courts, also in the Hon'ble High Court of Calcutta in the Civil Order No. 8459 (W) of 1990, decided on 2nd July, 1991.

I do not also give much weight to the contention of the management that the matriculation certificate or the admit card to sit in the same should not be considered without moving the records, namely Admission Register which is a primary evidence.

13. I accordingly held that the management was not justified in declining to accept the date of birth of Shri Shakti Pal, Clerk, Grindlays Bank p.l.c., Calcutta as 10-1-1948 as is borne out in the admit card and the certificate issued by the West Bengal Board of Secondary Education. The date of birth of the workman, accordingly is to be recorded as 10-1-1948.

The reference is answered accordingly.
Dated, Calcutta,

The 19th February, 1997.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 7 मार्च, 1997

कां०आ० 871-—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डेल्टोम (पश्चिम) जोधपुर के प्रबन्धतंत्र के संबंध नियोजकों और उनके कमकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, जोधपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 6-3-97 को प्राप्त हुआ था ।

[सं० एल-40012/74/92-आईआरसीयू]

के० बी० वी० उष्णी, डेस्क अधिकारी

New Delhi, the 7th March, 1997

S.O. 871.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Department (West), Jodhpur and their workman which was received by the Central Government on the 6-3-1997.

[No. L-40012/74/92-IR (DU)]

K. V. B. UNNY, Desk Officer.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,
जोधपुर

पीठासीन अधिकारी : श्री महेन्द्र कुमार जैन, आर.एच.जे.एस.—
केन्द्रीय औद्योगिक विवाद सं. : 6/1994

लाटुराम पुत्र श्री स्वनाथ, दूरसंचार भवन के सामने, प्लॉट नं. 963, प्रथम डी रोड, सरदारपुरा, जोधपुरा — अप्रार्थी

बनाम

महाप्रबंधक, दूर संचार, (पश्चिम), जोधपुर अप्रार्थी

उपस्थिति :—

- (1) प्रार्थी की तरफ से श्री/डी.के. परिहार प्रतिनिधि उप.
- (2) अप्रार्थी की तरफ से श्री विनित मायुर प्रतिनिधि उप.
अधिनिर्णय

दिनांक : 03-1-1997

डेस्क अधिकारी, श्रम मंत्रालय, भारत सरकार नई दिल्ली ने अपने आदेश संख्या एल-40012/74/92-आई.आर.डी.यु. दिनांक 18-12-1994 के द्वारा निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

“Whether the action of the General Manager, Telecommunications (West), Jodhpur in terminating the services of Shri Ladu Ram is proper, legal and justified? If not, to what relief the workman concerned is entitled?”

2. उक्त रेफरेंस इस न्यायालय में प्राप्त होने पर दिनांक 29-12-1994 को दर्ज रजिस्टर किया जाकर पक्ष-कारों को जरिये नोटिस तलब किया गया। प्रार्थी ने अपना मांग-पत्र प्रस्तुत करते हुए अभिकथित किया है कि प्रार्थी की नियुक्ति दैनिक वेतन भोगी के रूप में जनवरी 1978 में अप्रार्थी के यहां हुई प्रार्थी को प्रतिमाह 182-रुपये वेतन अप्रार्थी द्वारा दिया जाता था, प्रार्थी 15 अप्रैल 1982 तक लगातार अप्रार्थी के यहां सेवारत रहा तथा अप्रैल 1982 में ही अप्रार्थी द्वारा प्रार्थी का मौखिक आदेश से सेवा से पृथक कर दिया, सेवा समाप्ति से पूर्व के एक वर्ष में प्रार्थी ने अप्रार्थी के यहां लगातार 240 दिवसों से अधिक दिवसों तक कार्य किया, लेकिन उसे सेवामुक्त करने से पूर्व अप्रार्थी ने प्रार्थी को एक माह का नोटिस या नोटिस वेतन व छंटनी सेभावजे का भुगतान नहीं किया। प्रार्थी ने सेवा समाप्ति के पश्चात् कई बार अप्रार्थी से पुनः सेवा में लेने हेतु निवेदन किया परन्तु अप्रार्थी ने प्रार्थी को सेवा में नहीं लिया, प्रार्थी को सेवामुक्त करने के पश्चात् अप्रार्थी ने दिनांक 12-6-1990 को कलाशचन्द आचार्य को नौकरी में रखा, लेकिन प्रार्थी को कोई ओफर सेवा में रखने के लिए नहीं दी गई। इस प्रकार अप्रार्थी ने धारा 25-एच औद्योगिक विवाद अधिनियम के प्रावधानों का उल्लंघन किया है, अप्रार्थी ने प्रार्थी को सेवा में न लेकर औद्योगिक विवाद अधिनियम की धारा 25-एफ का भी उल्लंघन किया है। मांग-पत्र में आगे यह भी कहा है कि जब दिनांक 12-6-90 को कलाशचन्द आचार्य को सेवा में रखा तब प्रार्थी को इसकी जानकारी होने पर उसने अपने अधिवक्ता की मार्फत दिनांक 15-4-1991 को एक नोटिस भी अप्रार्थी को दिलावाया व दिनांक 24-12-91 की समझौता अधिकारी के समक्ष विवाद भी उठाया। अन्त में मांग पत्र के माध्यम से निवेदन किया है कि प्रार्थी को सेवा में लगातार मानते हुए फुल बैक बैजज सहित सेवा में पुनर्स्थापित किये जाने का अधिनिर्णय पारित किया जावे।

3. अप्रार्थी की तरफ से मांग-पत्र का जवाब प्रस्तुत करते हुए कहा गया है कि प्रार्थी ने अप्रार्थी विभाग में वैसिक मजदूर के रूप में दिनांक 15-4-1982 तक कार्य किया तथा उसके पश्चात् पुनः कार्य पर कभी नहीं आया, प्रार्थी ने माह अप्रैल 1982 के माध्य में स्वयं स्वेच्छा से कार्य करना छोड़ दिया, विभाग ने प्रार्थी को कभी भी सेवा से नहीं हटाया। यह भी कहा है कि प्रार्थी जनवरी, 1978 से अप्रैल, 1982 तक कभी भी लगातार कार्य पर उपस्थित नहीं हुआ तथा प्रार्थी ने समय-समय पर विभिन्न टुकड़ों में कार्य किया। प्रार्थी के 15-4-1982 से अनुपस्थित रहने के पश्चात् प्रथम

वार अक्टूबर 1990 में सेवा में पुनः लेने हेतु प्रार्थना-पत्र प्रस्तुत किया गया। कैलाशचन्द आचार्य को दूर संचार जिला प्रबन्धक जोधपुर ने नियुक्त नहीं किया न ही दूर संचार जिला प्रबन्धक, जोधपुर की यूनिट में कैलाशचन्द आचार्य ने कभी कार्य ही किया। अप्रार्थी द्वारा धारा 25-एफ औद्योगिक विवाद अधिनियम का उल्लंघन नहीं किया गया है क्योंकि प्रार्थी का अप्रार्थी ने कभी सेवा से मुक्त नहीं किया बल्कि प्रार्थी स्वयं की इच्छा से कार्य छोड़कर चला गया। अतिरिक्त आपत्तियों में कहा गया है कि माह मार्च 1985 के पश्चात् दूर संचार विभाग में किसी भी मजदूर को नियुक्ति दिये जाने पर रोक लगाई हुई, प्रार्थी स्वेच्छा से आठ वर्ष तक अनुपस्थित रहा जिससे जाहिर होता है कि प्रार्थी विभाग में सेवा करने का इच्छुक नहीं था। अन्त में जवाब के माध्यम से निवेदन किया है कि प्रार्थी अप्रार्थी नियोजक से कोई राहत प्राप्त करने का अधिकारी नहीं है, प्रार्थी का मांग-पत्र खारिज किया जावे।

4. प्रार्थी ने अपने मांग-पत्र के समर्थन में स्वयं अपना शपथ-पत्र प्रस्तुत किया तथा अप्रार्थी की तरफ से एम.एल. माथुर का शपथ-पत्र प्रस्तुत किया गया। दोनों पक्षों के शपथ-गृह्ताओं को एक-दूसरे के शपथ-पत्रों पर प्रतिपरीक्षण करवाया गया।

5. प्रार्थी की तरफ से दस्तावेजी साक्ष्य में प्रार्थी के अधिवक्ता कमलदत्त द्वारा अप्रार्थी को प्रेषित नोटिस दिनांक 15-4-1991 प्रदर्श-3, अप्रार्थी का पत्र दिनांक 12-6-1990 प्रदर्श-4, टेलीकोम्युनिकेशन डिपार्टमेंट का आदेश दिनांक 22-7-1996 प्रदर्श-1, दूर संचार विभाग का पत्र दिनांक 28-5-90 प्रदर्श-2 की टाईप कापी/फोटो स्टेट प्रतिलिपियां पेश की गई है। अप्रार्थी नियोजक की तरफ से दस्तावेजी साक्ष्य में भारतीय दूर संचार विभाग का पत्र दिनांक 3-1-1992, कार्यालय क्षेत्रीय श्रम आयुक्त (केन्द्रीय) अजमेर का अक्षफल बार्ता प्रतिवेदन दिनांक 30-3-92, माननीय राज उच्च न्यायालय का निर्णय एस.बी. सिविल रिट पिटीशन नं. 3301/92 लादूराम बनाम यूनियन ऑफ इण्डिया व अन्य निर्णित दिनांक 28-10-1994 की फोटोस्टेट प्रतिलिपियां पेश की गई है।

6. मैंने दोनों पक्षों के प्रतिनिधीगण की वहम मुनी एवं पत्रावली का भली-भांति अवलोकन किया।

7. अप्रार्थी के प्रतिनिधि ने प्रारम्भिक आपत्ति के रूप में तर्क प्रस्तुत करते हुए कहा है कि अप्रार्थी नियोजक टेली-कोम्युनिकेशन डिपार्टमेंट (दूर संचार विभाग) धारा 2(जे)

औद्योगिक विवाद अधिनियम, 1947 के अन्तर्गत उद्योग की परिधि में नहीं आता है इसलिए प्रार्थी औद्योगिक विवाद अधिनियम, 1947 के प्रावधानों का लाभ प्राप्त करने का अधिकारी नहीं है। अप्रार्थी के प्रतिनिधि ने अपने उक्त तर्क के समर्थन में न्यायदृष्टान्त ए.आई.आर. 1996 सुप्रीम कोर्ट पेज 1271 सब-डिवीजनल इन्स्पेक्टर ऑफ पोस्ट, वैकम व अन्य बनाम थैयम जोसफ व अन्य प्रस्तुत किया है।

8. प्रार्थी के प्रतिनिधि ने अप्रार्थी के प्रतिनिधि के उक्त तर्क का विरोध करते हुए तर्क प्रस्तुत किया है कि अप्रार्थी नियोजक कोमिशियल इन्स्टीट्यूट है इसलिए दूर संचार विभाग उद्योग की परिधि में आता है अतः प्रार्थी आई.डी.एक्ट के प्रावधानों का लाभ प्राप्त करने का अधिकारी है। प्रार्थी के प्रतिनिधि ने अपने उक्त तर्क के समर्थन में न्यायदृष्टान्त ए.आई.आर. 1978 सुप्रीम कोर्ट पेज 544 बैंगलोर वाटर सप्लाई बनाम ए. राजप्पा, माननीय सर्वोच्च न्यायालय का निर्णय रिट पिटीशन नं. 1280/1982 दिनांक 17 अप्रैल, 1990 रामगोपाल व अन्य बनाम यूनियन ऑफ इण्डिया व अन्य प्रस्तुत किये हैं।

9. मैंने उक्त तर्कों पर मनन किया।

10. मैं अप्रार्थी के प्रतिनिधि के तर्क में बल होता पाता हूँ। न्यायदृष्टान्त ए.आई.आर. 1996 सुप्रीम कोर्ट पेज 1271 सब-डिवीजनल इन्स्पेक्टर ऑफ पोस्ट, वैकम व अन्य बनाम थैयम जोसफ व अन्य में माननीय सर्वोच्च न्यायालय ने यह अभिनिर्धारित किया है :—

S. 2(J)-Industry-Postal & Telecommunication Deptt. is not Industry.

Having regard to the contentions, the question arises whether the appellant is an Industry? India as a sovereign socialist, secular democratic republic has to establish an egalitarian social order under rule of law. The welfare measures partake the character of sovereign functions and the traditional duty to maintain law and order is not longer the concept of the State. Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty of the State is to provide telecommunication service to the general public and an amenity, and so is one

essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

उक्त न्यायदृष्टान्त में अभिनिर्धारित सिद्धान्त के अनुसार अप्रार्थी नियोजक दूर संचार विभाग धारा 2(जे) औद्योगिक विवाद अधिनियम के तहत उद्योग की परिधि में नहीं आता है।

11. माननीय सर्वोच्च न्यायालय के निर्णय रिट पिटीशन नं. 1280/82 रामगोपाल व अन्य बनाम यूनियन ऑफ इण्डिया व अन्य दिनांक 17 अप्रैल, 1990 में माननीय सर्वोच्च न्यायालय ने दूर संचार विभाग उद्योग की परिधि में आता है या नहीं, इस प्रश्न को निर्णीत नहीं किया है तथा न्याय-दृष्टान्त ए.आई.आर. 1978 सुप्रीम कोर्ट पेज 544 बंगलौर वाटर सप्लाई बनाम ए. राजप्पा में भी माननीय सर्वोच्च न्यायालय ने स्पेशलफिक रूप से दूर संचार विभाग के उद्योग की परिधि में आने या नहीं आने के प्रश्न को निर्णीत नहीं किया है। जब कि न्यायदृष्टान्त ए.आई.आर. 1996 सुप्रीम कोर्ट पेज 1271 सब डिवीजनल इन्स्पेक्टर ऑफ पोस्ट बैंक व अन्य बनाम थैयम जोसफ में माननीय सर्वोच्च न्यायालय ने दूर संचार विभाग उद्योग की परिधि में नहीं आने के प्रश्न को स्पेशलफिक रूप से निर्णीत किया है। अतः मेरे विचार से उक्त न्यायदृष्टान्तों के आधार पर प्रार्थी को कोई सहायता नहीं मिलती है।

12. चूंकि न्यायदृष्टान्त ए.आई.आर. 1996 सुप्री कोर्ट पेज 1271 सब डिवीजनल इन्स्पेक्टर ऑफ पोस्ट बैंक व अन्य बनाम थैयम जोसफ के अनुसार अप्रार्थी दूर संचार विभाग धारा 2(जे) औद्योगिक विवाद अधिनियम, 1947 के अनुसार उद्योग की परिधि में आना नहीं पाया जाता है इसलिए प्रार्थी औद्योगिक विवाद अधिनियम के प्रावधानों का लाभ प्राप्त करने का अधिकारी होना भी नहीं माना जा सकता।

अधिनिर्णय

13. अतः यह अधिनिर्णय किया जाता है कि अप्रार्थी नियोजक दूर संचार विभाग [टेलीकोम्यूनिकेशन डिपार्टमेंट (धारा 2 (जे))] औद्योगिक विवाद अधिनियम, 1947 के अनुसार उद्योग की परिधि में नहीं आता है इसलिए प्रार्थी औद्योगिक विवाद अधिनियम के प्रावधानों का लाभ प्राप्त करने का अधिकारी नहीं है। अतः प्रार्थी इस मामले में अप्रार्थी नियोजक से कोई राहत प्राप्त करने का अधिकारी नहीं है।

14. इस अधिनिर्णय को वास्ते सूचना एवं प्रकाशनार्थ भारत सरकार के श्रम मंत्रालय नई दिल्ली को प्रेषित किया जावे।

15. यह अधिनिर्णय आज दिनांक 03-1-1997 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

महेन्द्र कुमार जैन, न्यायाधीश

नई दिल्ली, 4 मार्च, 1997

का.आ. 872.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इण्डिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद के केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 03-03-97 को प्राप्त हुआ था।

[संख्या एल-12012/123/94-आई.आर. (बी-2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 4th March, 1997

S.O. 872.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workmen, which was received by the Central Government on 3-3-97.

[No. L-12012/123/94-IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR,
KANPUR

Industrial Dispute No. 87 of 1994.

In the matter of dispute between :

General Secretary, Union Bank Employees Union, U.P.
Central Office 628/M-33 Murari Nagar, Lucknow.

AND

Dy. General Manager, Union Bank of India, ZO Sharda
Tower Kapoorthala, Complex Aliganj, Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/123/94-I.R. B-2 dated 11th October, 1994 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Union Bank of India Lucknow in not posting Sri Sita Ram at Ballia Branch on his conversion from part time sweeper to peon w.e.f. 7-1-1992 is justified? If not, what relief is the said workman entitled to?

2. The case of the concerned workman Sitaram is that he was posted as part time sweeper of the opposite party Union Bank of India. He was appointed as Peon when vacancy fall in this branch but he was not posted at ballia inspite of the fact that there was vacancy because of promotion of Bharat peon at Ballia. This failure on the part of management is in violation of the policy of the bank. He was entitled for being posted at Ballia branch on promotion w.e.f. 7-1-1992.

3. The case of the opposite party is that the post falling vacant at Ballia Branch was given to Srikant Yadav, Daftri of Hanuman Branch of Rewa District (M. P) According to policies his name was at serial No. 1 in the transfer list. Hence he was given posting at Ballia.

4. In the rejoinder nothing new was said.

5. No oral or documentary evidence has been filed. Only reference has been made to circular dated 27-5-1991 which deals with promotions and posting. In this circular there is provision for posting after promotion. It says that posting can be made at any place in the state of nearby place as far as possible. Thus it does not lay down absolute rule. Instead it was left to the discretion of the management by adopted certain policy to make posting on promotion and the candidate should be accommodated as far as possible. As said earlier it does not given right to seek posting at a particular place. Hence my award is that on the basis of above circular the concerned workman is not entitled for posting at Ballia Branch as there was a candidate whose

case was better placed. Hence concerned workman is not entitled for any relief.

Dated : 26-2-1997.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 4 मार्च, 1997

का.आ. 873.—औद्योगिक विवाद अधिनियम, 1947. (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इश्यूरेन्स कं. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 03-03-97 को प्राप्त हुआ था।

[संख्या ए.ल-17011/26/89-आई.आर. (बी-2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 4th March, 1997

S.O. 873.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Insurance Co. Ltd. and their workmen which was received by the Central Government on 3-3-1997.

[No. L-17011/26/89-IR (B-II)]

BRAJ MOHAN, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL-
CUM-LABOUR COURT, DEOKI PALACE ROAD,
PANDU NAGAR, KANPUR.

Industrial Dispute No. 40 of 1990.

In the matter of dispute between :

Senior Divisional Manager, National Insurance Co.
Ltd., 16/26, Mall Road, Kanpur.

AND

Raju S/S Munna Lal, H. No. 203, Ompurwa, Purani
Chungi, Harjinder Nagar, Kanpur.

AWARD

1. Central Government Ministry of Labour, New Delhi vide its notification No. L-17011/26/89-IR (B)-I, dated 1-1-1990 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of National Insurance Company Ltd. Kanpur in terminating the services of Shri Raju is justified ? If not, to what relief the workman concerned is entitled and from what date ?

2. It is not necessary to give details of the case as on 18-2-1997 representative of the concerned workman made a statement that he has no instructions. Hence the reference answered against the concerned workman for want of prosecution and proof and concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 4 मार्च, 1997

का.आ. 874.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-03-97 को प्राप्त हुआ था।

[संख्या एल-12012/75/95-आई.आर. (बी-2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 4th March, 1997

S.O. 874.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to

the management of Punjab National Bank and their workmen, which was received by the Central Government on 3-3-1997.

[No. L-12012/75/95-IR (B-ID)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 88 of 1996.

In the matter of dispute between :—

President, P. N. B. Employees Union, 172/184, Bazar Chhaw Lal Khayani Road, Aminabad, Lucknow.

AND

Regional Manager, Punjab National Bank, Faizabad Region, Faizabad.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/75/95-I.R. (B-2), dated 16-10-1996, has referred the following dispute for its adjudication to this Tribunal :—

Whether the action of the management of Punjab National Bank, Faizabad to issue notice u/s. 9-A of the I. D. Act, 1947 to change service condition of Shri D. S. Gupta, Head Clerk cat. 'C' w.e.f. 22-7-1994 is legal and justified ? If not, to what relief, he is entitled to ?

2. In spite of repeated opportunities, having been given to the concerned workman, he neither filed any claim statement nor put in appearance in the Tribunal. It appears that he is not interested in the case.

3. Hence my answer to the reference is in the affirmative and against the concerned workman for want of proof. He is not entitled to any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 5 मार्च, 1997

का.प्र. 875.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबंध में उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 5-3-97 को प्राप्त हुआ था।

[संख्या एल-12011/24/93-आई.आर. (बी-2)
ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 5th March, 1997

S.O. 875.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 5-3-97.

[No. L-12011/24/93-IR(B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL : ORISSA :
BHUBANESWAR

PRESENT :

Sri M. R. Behera, O.S.J.S. (Sr. Branch), Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 16 OF 1994

(CENTRAL)

Dated, Bhubaneswar, the 17th February, 1997

BETWEEN :

The Management of Allahabad Bank, Regional Office, 15-C-Bapujinagar, Bhubaneswar.

... First Party-management

And

Their workmen represented through All Orissa Allahabad Bank Employees' Union, C/o Central Office, 255, Bapujinagar, Bhubaneswar.

... Second Party-workmen

653 GI/97-16

APPEARANCES :

Sri U. Hussam, Sr. Manager—For the First Party-management.

Sri N. Mishra, General Secretary of the Union—For the Second Party-workmen.

AWARD

The Government of India, in the Ministry of Labour, in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their Order No. L-12011/24/93-IR(B-II) dated 31-3-1994 :—

“Whether it is a fact that some of the workmen of Allahabad Bank, Bhubaneswar Region participated in the agitation in March, 1990 after getting their leaves sanctioned by the management? If so, whether the action of the management in not paying wages to such workmen for the days on which they were on leave is justified? If not, what relief are the workmen concerned entitled to?”

2. The case of the second party-workmen as reflected in their statement of claim, shortly stated :—

The All Orissa Allahabad Bank Employees, Union, hereinafter shortly stated as 'Union', is a recognised union by the first Party-management. From time to time the Union was laying its grievances to the first party-management, more precisely, the Regional Manager, Allahabad Bank. Vide Circular No. AOABEU/8/90/38 dated 7-3-1990, General Secretary of the Union impressed upon the members (employees of the first party Bank) about the sum total of the demands, and further proposed withdrawal of all co-operation from the field of their employment from the management with effect from 13-3-1990 to 31-3-90 and work to rule and to hold demonstration outside the premises of the Allahabad Banks situated at different places during tiffin time, besides to give 'Dharana' before the Regional Office on 23-3-1990, badge wearing from 26-3-90 to 31-3-90 and observance of full day strike on 29-3-1990 and 30-3-1990.

The 'Union' came to know that the employees, belonging to the second party-workmen, as named hereinafter have illegally suffered wage cuts from their pay for the days as ear-marked against each of them without any reason and rhyme. The second party-workmen have claimed that their pay for the days be paid to them with interest.

Name of the workmen	Date
1. Smt. S. P. Routray, CCT	14-3-90 and 24-3-90
2. Shri P. C. Biswal, Driver	16-3-90 and 24-3-90
3. Miss B. Beliera, CCC	17-3-90 and 24-3-90
4. Shri R. B. Kujur, CCT	19-3-90 and 24-3-90
5. Shri B. C. Garnaik, CCT	22-3-90 and 24-3-90
6. Shri O. N. Rao, Peon	5-3-90 and 24-3-90
7. Shri P. K. Mallik, CCC	14-3-90 and 24-3-90
8. Shri M. K. Behera, Peon	24-3-90
9. Shri Md. Illias Ibrahim, Peon	21-3-90
10. Shri Abhimanyu Patra,	19-3-90, 22-3-90 and 24-3-90
11. Shri B. N. Nayak, Peon CGT	17-3-90, 22-3-90 and 24-3-90
12. Shri Trinath Sahoo, Peon	15-3-90 and 24-3-90
13. Shri S. K. Jena, Peon	14-3-90 and 24-3-90
14. Smt. S. L. Venkataraman, Clerk	24-3-90

3. The first party-management has controverted the claim of the second party-Union that during the period from 14-3-1990 to 24-3-1990 some of the employees of Allahabad Banks inclusive of the employees of the Regional Office launched agitational programme like 'Dharana', 'Gherao', seizure of work etc. Some employees applied for leave on personnel ground and joined the agitational programme. Even though they signed the attendance register, but did not attend to their duties. Some of the employees remained absent having availed sanctioned leave.

Some employees also participated in the agitation remaining unauthorised absent from duty. Smt. S. Routray availed casual leave on 14-3-1990. Sri R. B. Kujur availed casual leave on 19-3-1990. Sri B. C. Garnaik availed casual leave on 23-3-1990 and Sir O. N. Rao availed Casual leave on 15-3-1990. But, during these days they organised and participated in the schedule/agitation programme. The first party-management, therefore, cancelled their leave and deducted their wage/salary for the said days on the principle of "no work no pay". Apparently, their seizure of work was in pursuance to their charter of demands submitted on 7-3-1990 by the Union with threat of agitational programme scheduled to commence from 13-3-1990.

The first party-management requested and cautioned the members of the second party that their strike will cause disruption and dislocation of work in the end of the financial year, and therefore, will not be viewed liberally. The first party-management may take recourse to wage cut for the days the employees will disrupt the work and further the first party-management may take other suitable disciplinary action. Further, the second party-members were made aware that the first party-management is endeavouring for the implementation of the settlement made between

the All India Allahabad Bank Employees' Coordination Committee and the first party-organisation. But, the endeavour of the first party-management went futile.

The claim of the second party-Union that wage was deducted in respect of 14 employees as ear-marked against each of them in para-7 of the claim statement is not true. But however, this reference is limited to the employees who availed leave and participated in the agitation.

4. On the rival claims, the following issues were framed :—

Issues

- (1) Whether there was any strike/agitation by the Allahabad Bank employees during the period 14-3-1990—24-3-1990 ?
- (2) Whether some employees availed leave on private ground and participated in the agitational programme ?
- (3) Whether the employees whose wage has been deducted for allegedly participating in Dharana/strike, were on sanctioned leave and before deducting their wage, the leave so granted was refused/cancelled ?
- (4) Whether it is permissible under service rules of the employees to effect wage cut without allowing an opportunity to them to explain their conduct ?
- (5) Whether the principles of natural justice have been observed by the management in the instant case ?
- (6) Whether the Management's action in not paying wages to these employees for the leave period on the principle of "no work no pay" is justified ? If not, what relief the concerned workmen are entitled to ?

5. Issue No. 1 :

Ext. 3 is of 7-3-1990 communicated from N. Mishra, General Secretary of the Union to all its members i.e., the employees of the first party-management. Ext. 3 has contained programmes, instructions and guidelines to the members of the Union to demonstrate, sit on 'Dharana' and to put on badge as a token of protest, besides observance of full day strike on 29-3-1990 and 30-3-1990. Add to it, in Ext. D, a letter from the General Secretary to the Regional Manager, Allahabad Bank, Bhubaneswar, the General Secretary has mentioned to withdraw the advice issued by the Regional Manager to the Branch Managers of different Allahabad Banks to effect wage cuts. In Ext. D it has not been denied that there was no strike or that the members did not participate in the strike. On the other hand, it has been asserted in Ext. D that the service conditions of the employees do not confer such power/right on the

management to deduct wages for participating in relay hunger strike, 'Dharana' etc. Similar is the contents of Exts. D/1, E and G. Thus, from Exts. 3, D, D/1, E and G it can not be said that the second party-Union have not given a call for observance of strike from 14-3-1990 to 31-3-1990. But, M.W. No. 1 has said that the members of the second party were sitting in 'Dharana', relay hunger strike on 14-3-1990, 15-3-1990, 16-3-1990, 17-3-1990, 19-3-1990, 21-3-1990 and 22-3-1990 in Arua branch of the Allahabad Bank. From the testimony of the lone witness tendered on behalf of the first-party-management, it appears that the strike was not effectuated beyond 24-3-1990. On the testimony of M.W. No. 1 besides W.W. Nos. 1 and 2 that there was observance of strike beyond 25-3-1990 to 31-3-1990 has not been established. Thus, issue No. 1 is partly decided in favour of the first party management.

6. Issue Nos. 2, 3, 4, 5 & 6 :

Issue Nos. 2, 3, 4, 5 & 6 are taken-up together for convenience since they are inter-linked with each other.

7. M.W. No. 1 is the Manager of Arua Branch of Allahabad Bank. He testified that he prepared the names of the employees who were sitting on Relay Hunger Strike on different dates vide Ext. X. Ext. X though a xerox copy is not legible, but however, the name of persons have been named under different dates in two leafs, namely, 14-3-1990, 15-3-1990, 16-3-1990, 17-3-1990 and 19-3-1990, purported to have been prepared on 16-3-1990. It is surprise to note that documents prepared on 16-3-1990 could bear the name of persons who participated in the Relay Hunger Strike on 17-3-1990 or 19-3-1990. Add to it, it is humanly not possible to remember the name of the employees on 16-3-1990 who sat in 'Dharana' on 14-3-1990 and 15-3-1990 to be reproduced on 16-3-1990 or 19-3-1990. Ext. X has suffered. Judged on this back drop the evidence of M.W. No. 1 read with Ext. X can not be said to be of any help to the management.

M.W. No. 1 has proved Ext. A, a letter addressed to the Regional Manager by the Branch Manager, Allahabad Bank, Bapujinagar Branch. Ext. 'A' has mentioned that nine named employees left the Bank after signing the attendance register. Conspicuously, in the contextual aspect of the letter there is absence of the date on which day the employees left the office after putting their signatures in the attendance register. Add to it, the named persons in Ext. A are not the persons as reflected in Para 3 of the written statement of the management read-with Ext. F. In absence of material particulars in Ext. A, Ext. A has no material value. Besides, there is no material that M.W. No. 1 has any physical knowledge of the employees who left the Bank, situated at Bapujinagar, after signing the attendance register. On aforesaid material Ext. A is also not of any help to the management.

8. Ext. B relates to one Sri B. N. Sahoo, Clerk-cum-Cashier of Old Station Square Branch of Allaha-

bad Bank. On perusal of Para 7 of the claim statement containing the names of the employees who have suffered wage cut, besides in Para-3 of the written statement of the management, there is absence of the name of Sri B. N. Sahoo. Ext. C, a letter addressed to the Regional Manager from the Temple Marg branch of the Bank, contains the name of four employees who have been alleged to have left the Bank after putting their signatures in the attendance register. Equally, there is absence of their names in para-7 of the claim statement, so also, these names have not been mentioned in Ext. F. Therefore, Exts. B & C are of no value.

M.W. No. 1 has proved Ext. F, a notice issued by the Regional Manager containing the name of persons whose wage for the day earmarked against such of them has been held-over for having sat on hunger strike and also for having left the bank without obtaining permission and after putting their signatures in the attendance register. Out of these persons, there is reference in the written statement at para 3 that only Sabita Routray, R. B. Kujur, B. C. Garnaik and O.N. Rao have availed casual leave on 14-3-1990, 19-3-1990, 23-3-1990 and 15-3-1990 respectively and have participated in the agitation. There is no reference in the written statement filed by the management, that these aforesaid named persons sat also in Hunger strike. The mention in the Ext. F that Miss Sabita Routray left office without permission on 24-3-1990 is not borne out in the written statement. The mention is Ext. F that R. B. Kujur left office without permission having affixed his signature in the attendance register on 24-3-1990 is not borne out in the written statement. The mentioned in Ext. F that Sri B. C. Garnaik left office without permission having affixed his signature in the attendance register on 24-3-1990 is not borne out in the written statement. The mentioned in Ext. F that O.N. Rao left office on 24-3-1990 without permission having affixed his signature in the attendance register is not borne out in the written statement. On the other hand, there is mentioned in the written statement that the aforesaid persons left office on 14-3-1990, 19-3-1990, 23-3-1990 and 15-3-1990 respectively. Thus, at one tone it can be said that the descriptive particulars contained in Ext. F is not in consonance with the written statement filed by the first party management. Therefore, Ext. F has lost its credibility.

M.W. No. 1 has proved Exts. H, J, K, L, M, N, O, P, Q & R, extracts of Leave Registers to show that the concerned employees had been sanctioned with casual leave on their applications. In the same tone M.W. No. 1 has said that till date their leave has not been rescinded. M.W. No. 1 has said that he can not say if any show-cause was solicited from the concerned employees whose wage for the relevant dates have been deducted. Inability to prove the show-cause issued to the employees, the only irresistible conclusion can be drawn is that, the concerned employees whose pay has been deducted on charge of participation in strike, have not been asked to show-cause, a violation of the principles of natural justice, denied to the aggrieved employees. The testimony

of W.W. Nos. 1 and 2 have said that they have not been issued with any show-cause fortify the conclusion of non-issue of show-cause.

9. On the aforesaid analysis for the materials on record, issue Nos. 2, 3, 4, and 6 are answered in favour of the second party-Union. The case put forth by the first party-management has not impressed this Tribunal that the wage cut effected is bonafide.

10. As has been discussed above, in Para-7 of the claim statement there exists the name of 14 aggrieved employees sponsored by the second party-union. Para 3 of the written statement the first party-management has made a evasive denial, therefore, the assertion of Para 7 is deemed to have been admitted by the first party-management.

This is a dispute in between the first party-management and the Union, representing the 14 aggrieved employees, the list of which has been provided in para-7 of the claim statement. The contention advanced in pursuance to Para-3 of the written statement that this reference is limited to Smt. Sabita Routray, R. B. Kujur, B. C. Garnaik and O. N. Rao only, has no material bearing.

11. In the net, there is no merit in deducting wage as has been effectuated by the first party-management in respect of the 14 employees. Therefore, the 14 employees, named below, are entitled to get their wages for the period as earmarked against each of them as soon as possible since six years have elapsed.

Name of the workmen	Date
1. Smt. S. P. Routray, CCT	14-3-90 and 24-3-90
2. Sri P. C. Biswal, Director	16-3-90 and 24-3-90
3. Miss B. Behera, CCC	17-3-90 and 24-3-90
4. Sri R. B. Kujur, CCT	19-3-90 and 24-3-90
5. Sri B. C. Garnaik, CCT	22-3-90 and 24-3-90
6. Sri O. N. Rao, Peon	15-3-90 and 24-3-90
7. Sri P. K. Mallick, CCC	14-3-90 and 24-3-90
8. Sri M. K. Behera, Peon	24-3-90
9. Md. Illias Ibrahim, Peon	21-3-90
10. Sri Abhimanyu Patra, CCT	19-3-90, 22-3-90 and 24-3-90
11. Sri B. N. Nayak, Peon	17-3-90, 22-3-90 and 24-3-90
12. Sri Trinath Sahoo, Peon	15-3-90 and 24-3-90
13. Sri S. K. Jena, Peon	14-3-90 and 24-3-90
14. Smt. S. L. Venkatraman, Clerk	24-3-90

The reference is accordingly answered by way of this Award.

M. R. BEHERA, Presiding Officer

नई दिल्ली, 5 मार्च, 1997

का.आ.—876 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. का. हरा कोलियरी के, प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं.-1), धनबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 4-3-97 को प्राप्त हुआ था

[सं. एल-20012/213/93-आई आर (सी-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 5th March, 1997

S.O. 876.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Era Colliery of M/s. BCCL and their workmen, which was received by the Central Government on 4-3-1997.

[No. L-20012/213/93-IR(C-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 67 of 1994

PARTIES :

Employers in relation to the management of Era Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri Tarkeshwar Prasad,
Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri S. Bose, Treasurer,
Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar

INDUSTRY : Coal

Dated, the 24th February, 1997

AWARD

By Order No. L-20012/213/93-I.R. (Coal-I) dated 24-3-94 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Ena Colliery under Kustore Area No. VIII of M/s. B.C.C.L., P.O. Kustore, Dist. Dhanbad in dismissing Shri Kaila Bhuiya, General Mazdoor w.e.f. 24-10-92 is justified? If not, to what relief the workman is entitled?”

2. The workman and the sponsoring union appeared and filed written statement stating therein that the workman, Kaila Bhuiya, was a permanent employee of the management of Ena Colliery as General Mazdoor Category-I since 1972 and had a very clear record of service. It was also said that C.S.F. personnel having posted in the colliery for performing duty of guard as being changed and replaced from time to time, they do not know other employees of the colliery and it is said that on 7-6-91 a charge-sheet was issued to the workman on the alleged ground that a complaint was received from C.S.F. personnel that the concerned workman was caught while committing theft of armoured cable about 14 feet long costing about Rs. 1,700 from the colliery yard at about 1.30 A.M. on 12th-13th April, 1991. It is said that the chargesheet was issued to the workman by the competent person and he submitted his reply on 18-6-91 denying the allegations of the chargesheet, but it is said that the C.S.F. forcibly took away the workman from small crowd in the midnight of 12th-13th April, 1991 and had handed over to Jharia P.S. on the charge of theft of cable from the colliery store yard and the C.S.F. themselves filed an F.I.R. of the alleged occurrence and the workman was forwarded to the court of Judicial Magistrate, Dhanbad from where he got bail and the case is still pending. It is said that besides police case the management conducted a perfunctory departmental enquiry through their officer and vide letter dated 24-10-92 the workman was dismissed from his permanent service in the colliery, and this action of the management was mala fide, arbitrary and illegal and unjustified. It is said that the workman did not commit any theft, fraud or dishonesty which was alleged against him and while the police case filed against him by the management through C.S.F. was still pending, it violating the principle of natural justice conducted the so-called departmental enquiry and it is said that the workman deserves his reinstatement in service with full back wages and other benefits.

3. The management appeared and filed written statement stating, inter-alia, that the reference was not maintainable and in the night of 12th/13th April, 1991 at about 1.30 A.M. the said workman was caught red handed while committing theft of armoured cable about 14 feet in length valued at Rs. 1,700 from the colliery store yard and on the basis of report given by Shri Lakhan Sao, Trammer who was working as Night Guard and a report was sent to Jharia P.S. in the same night and recovered cable was examined and certified by the Manager of the colliery and found to be belonging to the colliery and the C.S.F. personnel submitted report to the Agent of the colliery about theft of cable and the workman being caught red handed while committing theft. The police investigated the matter and proceeded against him as per law and in the meantime chargesheet was issued to the workman on 7-6-1991 for commission of serious misconduct of theft, fraud and dishonesty. The workman submitted his reply dated 8-6-91 denying the allegations. Thereafter departmental enquiry was conducted by Sri A.N.P. Ambasta, Senior Personnel Officer as Enquiry Officer and Sri S. K. Sinha, Manager was appointed as Presenting Officer. Notice was given to the workman who appeared on different dates and the enquiry was conducted as per principle of natural justice. The management's witness was examined and the workman was given opportunity to cross-examine the management's witnesses. It is said that the departmental enquiry was adjourned to 14-8-92 and the workman did not appear on that date and it was adjourned to 1-9-92 and notice was sent through Peon Book at his local address and registered post at his permanent address and it was also published in local News Paper "Awaz" on 28-8-1992, but the workman did not appear on 1-9-92 and the main witness Sri S.N. Mishra was examined in his absence. As the registered letter was not returned it was presumed that it was served to him and after conducting the enquiry the Enquiry Officer submitted his report and the management dismissed the workman vide letter dated 15-10-92 and it is said that the action of the management is quite justified in the facts and circumstances of the case and misconduct of theft committed by the workman being serious nature, he was rightly punished by way of dismissal from service.

4. A rejoinder has also been given by the management to the written statement of the workman is specifically and parawise denied. The contention of the workman is said to be incorrect and denied. It is also denied that the said departmental enquiry was also perfunctory. Other statements are said to be incorrect and specifically denied and it is also denied that the action of the management was arbitrary, illegal and unjustified. It is finally said that the workman is not entitled for any relief and the award be passed accordingly.

5. I further find that a rejoinder has also been filed by the workman to the written statement filed by the management and the contentions of the written statement have been denied specifically and parawise and the same is said to be vague, incorrect and denied. It is also said that the action of the management was motivated and unjustified and it is finally said that an award be passed in favour of the workman.

6. On the basis of the pleadings of the parties the points for consideration in this reference are:—

(a) As to whether or not the action of the management of Ena Colliery of M/s. B.C.C. Ltd. in dismissing the workman, Kaila Bhuiya, General Mazdoor, w.e.f. 24-10-92 was justified or not?

(b) If not, to what relief or reliefs the workman was entitled?

7. Both the points are inter-linked and as such are taken together for their consideration.

8. After going through the case record, I find that fairness and propriety of holding of domestic enquiry was taken as preliminary issue and vide order dated 15-11-94 it appears that it was submitted by Sri S. Bose, sponsoring union representative that although they have stated to be the enquiry as perfunctory in the written statement and in the rejoinder, but now they do not challenge its fairness and propriety and the issue of holding domestic enquiry was decided accordingly and the case was fixed for hearing on merit.

9. It is also to be noted here that no oral evidence has been led on behalf of either of the parties and nor even the Enquiry Officer was produced by the management for his evidence or his cross-examination. However, some documents have been filed by the management which were worked exhibits on consent, Ext. M-1 being enquiry letter dated 31-8-92, Ext. M-2 is enquiry report of the Enquiry Officer and Ext. M13 is order of dismissal dated 24-10-1992 of the concerned workman. From Ext. M-2, enquiry report, it appears that on issuance of chargesheet the workman had replied denying the same and thereafter this domestic enquiry was held where the concerned workman appeared and participated in the enquiry till 19-8-91. Thereafter next date was fixed in the enquiry on 14-8-92 when the proceedes/workman was not present and it was fixed on 1-9-92. It is also clear from last para on page 6 of the enquiry report that a notice through Peon Book was sent to the delinquent workman and registered notice was also sent to his permanent address by post giving information for pending date of enquiry being on 1-9-92 and this notice was also published in the local news paper "Awaz" Hindi on 28-8-92. In Ext. M-1 a

postal registration receipt is also attached which shown that notice was sent by registered post to the workman at his permanent address on 31-8-92 whereas the said enquiry was fixed on 1-9-1992 and how the Enquiry Officer presumed that the notice would have been properly served on the workman in the district of Nawada (Bihar) one day? The said Peon Book by which notice was sent to the local address of the workman was also not produced in the enquiry proceeding as the same is not noted anywhere nor it is mentioned in the enquiry report that the Enquiry Officer took trouble to go through the Peon Book that actually notice was served to the workman or not. However, without awaiting for return of registered A.D. letter sent to the workman which was posted on 31-8-92 only, general publication in the paper was made two days earlier i.e. 28-8-92 so naturally publication in the newspaper made prior to sending of the registered notice to the workman to his permanent address and how the said Enquiry Officer came to the conclusion that information was rightly given to the workman for his attendance on 1-9-1992 is not clear and on that date most important witness, Sri S. N. Mishra, CSF personnel was examined by the Enquiry Officer in absence of the workman or his co-representative and the enquiry proceeding was also closed on that very date without awaiting the workman and the Enquiry report, Ext. M-2 was submitted on 15-10-92. From these facts one thing is apparent that the Enquiry Officer was in quite haste to close the enquiry and submitted his report without giving proper notice and allowing sufficient time to the workman to come and appear in the said domestic enquiry so to get chance to defend himself. It is also clear from Ext. M-2 that other witnesses who were examined earlier in the absence of the workman, it has been mentioned that the workman declined to cross-examine them but the most important witness was examined in his absence and no chance was given to the workman to cross-examine him or even his statement was not taken by the Enquiry Officer.

10. In the circumstances noted above I find much force in the pleading of the workman that this domestic enquiry was nothing but perfunctory exercise done at the behest of the management and a report was submitted to the lighting of the management and even copy of this so-called perfunctory domestic enquiry was also not given to the workman prior to passing the order of dismissal vide Ext. M-3. This plea of non supply of copy of the enquiry report has been taken by the workman by way of written argument filed on his behalf. My attention has also been drawn to the authorities of Hon'ble Supreme Court as ratio has laid down in the Union of India VS. Ramzan Khan (AIR 1991 SC 741) and also the case of ECIL Hyderabad and others VS. B. Karunakar & Ors. (1993 Vol-4 SCC, page 727) where it has been held by their Lordships that the workman was prejudiced by non-

supply of enquiry report before passing order of dismissal and the said punishment was set aside and the management was directed to proceed with the enquiry afresh after serving copy of enquiry report upon the concerned workman. It is submitted that in the instant case also similar is the position and no copy of enquiry report was even given to the workman prior to his dismissal or even after his dismissal and he was highly prejudiced and put to disadvantage by not giving the copy of enquiry report and he could not file representation before the management to consider his case sympathetically and also could not point out lacuna in the domestic enquiry that evidence of the main witness was taken in his absence and so sufficient time was given to him to attend the proceeding and the notice was also not sent to him in time, all these taken together compounded in aggravating to disadvantage position to the workman in his defence.

11. On the other hand it has been submitted on behalf of the management that certainly above two authorities are on the point of non-supply of enquiry report but an elaborate order was passed in the case of ECIL, Hyderabad & Ors. Vs. B. Karunakar & Ors. that the Tribunal has to see that actually any prejudice or disadvantage caused to the workman by non-supply of enquiry report or not and if so such prejudice has been caused in that case the punishment given to the workman by way of dismissal need not be interfered.

12. However, in the instant case I find that the point taken by the workman that copy of enquiry report was not supplied to him prior to his dismissal or after his dismissal that he has been prejudiced by this act of the management, I find much force in this argument. As discussed above it is apparent that even in course of so-called domestic enquiry the workman was put to disadvantage position by not giving notice to him in time and to provide sufficient time to him to appear in the enquiry on 1-9-1992 and even in his absence the main witness was examined and the proceeding was closed on that very date without awaiting the workman to take his statement or to examine his defence witness and then the report was submitted by the Enquiry Officer and the management did not take care to supply copy of the said enquiry report although which has been described as perfunctory by the workman and the union. I further find that on 15-11-94 this was submitted by the sponsoring union that fairness and propriety of the domestic enquiry nor they did challenge it. I find that there was no specific order passed holding enquiry to be fair and proper and no mention was made therein that no prejudice was caused to the workman by non-supply of copy of enquiry report. As such this point was quite open for hearing on merit and in this connection it has been mentioned above that certainly from the postal receipt in the domestic enquiry file it was clear

that it was sent on 31-8-92 whereas the date for seating was 1-9-92 and the Peon Book was also not produced and no statement of the workman was taken nor his defence witness was examined and the main witness was examined in the absence of the workman on that very date and the proceeding was closed in quite haste. As such it is apparent that the principles of natural justice was not adopted by the Enquiry Officer and the report submitted by him was certainly not an impartial one. Furthermore, even the copy of this report was not given to the workman and he was summarily dismissed vide Ext. M-3 without giving proper opportunity to him and in the above fact the action of the management cannot be said to be justified in dismissing the workman with effect from 24-10-92 and certainly the workman was entitled for his reinstatement in service in view of the above-noted authorities of the Hon'ble Supreme Court. So far back wages is concerned it is clear that from the date of dismissal till date the workman had not worked and as such 50 per cent of full back wage is allowed to the workman with other benefits and with liberty to the management to proceed with the said enquiry from the stage of serving of copy of enquiry report to the workman, if the management so desires, and to proceed with the enquiry in accordance with law and the workman even may be put under suspension, if so required.

13. Hence, the award.—The action of the management of Ena Colliery under Kustore Area No. VIII of M/s. B.C.C. Ltd., P.O. Kustore, Dist. Dhanbad in dismissing Shri Kaila Bhuiya, General Mazdoor w.e.f. 24-10-92 is not justified. The management is directed to reinstate the concerned workman in service with effect from 24-10-92 with 50 per cent of full back wages with other benefits within two months from the date of publication of the award and the management would be at a liberty to proceed with the said domestic enquiry, if it so desires, from the stage of serving copy of enquiry report to the workman and to proceed with the enquiry in accordance with law and the workman may be put under suspension, if so required.

In the circumstances of the case, there will be no order as to cost.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 5 मार्च, 1997

का.आ. 877.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार मैसर्स टिस्को का. जमादोबा कोलियरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में, केन्द्रीय सरकार श्रीयोगिक अधिकरण (सं.-1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-97 प्राप्त हुआ था।

[संख्या एल-20012/328/90-आईआर (सी-1)]

बृज मोहन, डेस्क अधिकारी

New Delhi, the 5th March, 1997

S. O. 877.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1), Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Jamadoba Colliery of M/s TISCO and their workmen, which was received by the Central Government on 4-3-1997.

[No. L-20012/328/90-IR(C-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 273 of 1990

PARTIES :

Employers in relation to the management of Jamadoba Colliery of M/s. Tata Iron and Steel Company Limited.

And

Their workmen.

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the employers.—Shri B. Joshi, Advocate.

For the Workmen.—Shri M. C. Banerjee, Workmen.

STATE : Bihar. INDUSTRY : Coal.

Dated : 25-2-1997

Dated, the 25th February, 1997

AWARD

By Order No. L-20012/328/90-IR (COAL-I), dated 11-12-1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-section

(2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the Management of Jamadoba Colliery of M/s. Tata Iron and Steel Company Ltd., in suspending Shri M. C. Banerjee, Moulder. T. No. 11266 for 10 days w.e.f. 13-6-1988 is justified. If not to what relief is the workman entitled ?”

The order of reference was received in this Tribunal on 17-12-90 and thereafter notice was issued to the parties and both the parties filed their written statements, rejoinder, documents etc. and finally the case was placed for arguments on merit.

Today i.e. on 25-2-97 Shri Banerjee, workman concerned appears personally and submits that he did not want to contest the case further for which he has already filed a petition enclosing an affidavit from the Notary Public, Dhanbad.

In view of the above facts and circumstances, the reference is disposed of and I render a “no dispute” award in the present Industrial Dispute.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 6 मार्च, 1997

का.आ. 878.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.पी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं.-1), मुम्बई के पंचपट (भाग I एण्ड II) को प्रकाशित करती है जो केन्द्रीय सरकार को 5-3-97 को प्राप्त हुआ था।

[संख्या एल-30012/15/90-आई आर (विविध)/(कोल-I)]

ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 6th March, 1997

S.O. 878.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Part I and II) of the Central Government Industrial Tribunal, (No. 1) Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.P.C.L. and their workmen, which was received by the Central Government on 5-3-97.

[No. L-30012/15/90-IR(Misc.)/IR(C-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer
Reference No. CGIT-1/56 of 1990

PARTIES :

Employers in relation to the Management of
B.P.C.L. (Refinery Division), Mahul,
Bombay.

AND

Their Workmen

APPEARANCES :

For the Management—Shri R. S. Pai, Advocate

For the Workmen—Shri Gadkari, Advocate
INDUSTRY : Petroleum STATE : Maharashtra
Mumbai, dated the 7th day of June, 1996

AWARD (Part—I)

Shri B. P. Tekavade was admittedly an employee of Bharat Petroleum Corporation Ltd. (for short B.P.C.L.). He was dismissed from service w.e.f. 20 March, 1989 after holding a domestic enquiry. Tekavade has inter alia challenged the legality, propriety and fairness of the domestic enquiry held against him. The appropriate Government has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Bharat Petroleum Corporation, Mahul Refinery in dismissing Shri B. P. Tekavade, Driver from service with effect from 20th March, 1989 is justified ? If not, to what relief the workman is entitled ?”

2. The admitted facts of the case are that on 28-2-1989, Tekavade who was a driver with B.P.C.L., was put on duty to bring the staff from Vashi on route No. F. He was driving bus MMY 9119. The charge against him was that he transported some outsiders in the bus and collected fare of Rs. 1.50 per passenger and thus committed a misconduct.

3. The case of the workman is that he was new to the route on which he was put. He was driving the bus from Refinery to Vashi on the Highway. Near Mankhurd bus stop, a large number of persons collected in front of the bus and he was compelled to stop the same. On the bus being stopped, those persons entered the bus without his permission. He drove the bus upto Vashi where these intruders alighted. The workman, then brought the staff of the B.P.C.L. from Vashi. Thus by implication he denied that he transported any outsiders as passengers in the bus for payment. By implication, he wants to say that the said out-

siders forced their way in the bus and was compelled to drive them against his will and thus did not commit any misconduct.

4. Further, the case of the workman is that on 3-3-1989 at about 10 a.m. he was served with a suspension letter. Shri D. M. Reddy, I. R. Manager told him that if he (workman) admitted that he had carried unauthorised passengers, lenient view would be taken and he would not lose the job. The case of the workman further is that he was so frightened by the circumstances that he immediately wrote out a letter in Marathi as suggested by said Mr. Reddy and handed over the same to Mr. Govind Rajan, Manager A.S. & F(R) in presence of Mr. Reddy.

5. The case of the workman further is that he was served a charge sheet dated 4-3-1989 on 6th March, 1989 at about 9 a.m. He was asked to present himself for enquiry at 6-3-89 at 1.15 p.m. in Room No. 16A before Mr. M. L. Mattoo. However, the enquiry was postponed and commenced the same day at 9.45 a.m. The workman was not given an opportunity to consult any body. The enquiry was rushed through in breach of principles of natural justice. It is further alleged that from the time of service of charge-sheet till completion of the enquiry, the Security Watchman was made to accompany the workman, implying thereby that he was not a free person, when the enquiry was made.

6. The management denied the charge that admission of guilt from the workman was procured by Shri D. M. Reddy by giving the workman an assurance that a lenient view would be taken and he would not lose his job. It was pleaded that charge sheet dated 4-3-89 was served on the workman in time. It was admitted that on the day of enquiry, the workman was accompanied with security watchman but this was in pursuance of the normal practice obtaining. It was averred that since Shri Mattoo was going out, the enquiry was held by Shri G. S. Baveja. It was denied that the domestic enquiry was conducted in a hasty manner in breach of principles of natural justice.

7. On merits, it was pleaded that the workman had in fact allowed outsiders to board the bus, had collected fare of Rs. 1.50 per passenger and thus committed a grave misconduct. The incident was witnessed by Shri S. Phillipose, who was also made to pay a fare of Rs. 1.50. Shri S. Phillipose reported the matter to the management, whereupon the workman was placed under suspension. The workman voluntarily confessed in writing to his guilt, whereupon a due enquiry was made.

8. At this stage, the preliminary question before me is whether the enquiry held against the workman was legal, proper and fair. Hence, I refrain from expressing any opinion on the merits.

9. I may state that in support of his case, the workman has filed his own affidavit and he has

been cross-examined on the same by learned counsel for the management.

10. The management has filed affidavits of Shri D. M. Reddy and Shri G. S. Baveja. Both of them were subjected to lengthy cross-examination. The management also examined Shri M. P. Govinda Raja.

11. The management has filed some documentary evidence as well.

12. I have heard the learned counsel for the parties at great length. The first and foremost question is whether Shri D. M. Reddy obtained a written confessional statement of the workman by giving him a false assurance that if he admitted his guilt, he would be dealt with leniently and would not lose his job.

It is settled law that fraud and misrepresentation vitiate even the most solemn transactions. Hence, if the workman succeeds in proving this charge, the entire enquiry based on such confessional statement, shall have to be held as vitiated.

13. Now, the principal witness on this score is the workman himself. In para 4 of his affidavit at page 2, he has alleged as follows :

"On 3rd March 1989 I was given a Suspension letter by the Security Officer at the gate and I was told to accompany the watchman to talk to Mr. D. M. Reddy, I. R. Manager. I cannot read English properly, so I asked Mr. Reddy as to why I was suspended. Mr. Reddy told me that I am accused of allowing outsiders to travel by Company Staff bus. I admitted that the outsiders were driven by me told him that the matter has been reported to my superiors and also told him that I was helpless. Mr. Reddy told me that I should accept the charge and no action will be taken against me. Accordingly I gave the statement in writing, as explained by him. Thereafter he asked me to handover the statement to Mr. Govind Raian Manager A.S. and F(R). I was not shown any other letter or complaint at that time or any time thereafter. I say that I was never told that I had taken money from the outsiders."

In cross-examination, he has stated : "It is true that I did not complain to the union or the Labour Commissioner that my signatures had been obtained and a writing had been obtained from me till the dismissal order was passed." Had such a confessional statement been obtained, he would have naturally complained to some body in this regard.

14. As against this, Shri D. M. Reddy has stated as follows :

"I say that, on 3-3-1989 the Security Officer at the Main Gate on duty telephoned me and enquired with me that Shri B. P. Tekavade, Driver wanted to come and meet me, in connection with a Suspension Order issued to him. As per the practice followed in the Refinery, a workman having any grievance is allowed to meet the I. R. Personnel. Accordingly, the Security Watchman brought Shri Tekavade to meet me.

I say that, Shri Tekavade was brought to me by the Watchman at the instance of Shri Tekavade himself. He came and told me that the Management has suspended him by the letter dated 3-3-1989. I explained to him, that whatever, he wanted to say in respect of the Suspension Order, he may do so in writing to the Disciplinary Authority. I deny that I have told him that if he admitted, the allegations levelled against him, the Management would take a lenient view. I say that he has not given anything in writing to me nor did I dictate any statement to be written by him. I say that whatever, statement he had given in writing on 3-3-1989 to the Disciplinary Authority was written without my knowledge."

In his cross-examination, he has stated as follows :

"Suspension letters are generally served at the main gate. The security officer of the company served the suspension letter. When a workman brings his grievance to the notice of the security officer. The security officer does not record it. If the workman appears before I.R. Personnel, it is recorded if it is made in writing. Oral grievance is not recorded and we explained to the workman that and there. The grievance made in writing placed on the personnel of dossier of the workman. When a grievance is made in writing it is recorded immediately. I can produce that record if required. We do not make a record of oral grievance. When an oral grievance is made we generally ask to workman to give in writing. I was following this procedure during my tenure.

It is correct that on 3rd March, 1989 Shri Takavade came to me with an oral grievance. The Security Officer asked me that Mr. Takavade wanted to see me. I granted permission to that Shri

Tekawade see me. Shri Tekawade made a grievance to me about the suspension. I did not ask Tekawade to give me reasons in writing.

Mr. S. Chaudhary was the disciplinary authority in the matter of Mr. Tekawade. I have told Tekawade about his grievance that whatever he may like to say, should say to the disciplinary authority.

Sometimes I.R. Personnel are involved in drafting suspension letters or charge-sheets. It is not correct to say that all the matters concerning disciplinary action are brought before the personnel department or drafting charge-sheet etc. Draft charge sheets are not always prepared by the Personnel Department. Disciplinary Authority themselves draft charge-sheet. Because they are experienced in the matter. In the present case suspension letter drafted by the disciplinary authority that was shown to the I.R. Personnel. The draft suspension letter was shown to me. It is not correct to suggest that I asked security officer to bring Shri Tekawade to me. This is wrong to say that Shri Tekawade made a grievance to me that he was wrong suspended. It is wrong to suggest that I told Shri Tekawade that I will inform authorities accordingly. This is wrong to say that I asked Shri Tekawade to admit the allegations. It is wrong to suggest that I advised Shri Tekawade that management will take a lenient view in the matter."

In further cross-examination, he stated :

"This is wrong to say that Shri Tekawade had given his reply in accordance with any advice tendered by me. I did not tender any advice to him."

15. Thus there is oath versus oath on this point. There is no reason to disbelieve the statement of Shri D. M. Reddy. It has not been shown that he bore any animus towards Tekawade. There was no reason for Mr. D. M. Reddy to go out of his way to ask Tekawade to submit a confessional statement in writing. To my mind, the workman has come out with the theory of alleged inducement. So as to nullify the effect of his own confessional statement. Viewed thus, I find statement of Mr. Reddy more reliable than that of the workman Tekawade. I, therefore, hold that workman has failed to prove and establish that Shri D. M. Reddy obtained any confessional writing from Tekawade by holding out an inducement that he (workman) would be leniently dealt with and

would not lose his job. Thus, the charge of inducement is not established at all.

16. The workman has tried to create an impression that the entire enquiry had been rushed through post haste and he had no opportunity to consult anybody and defend himself. This allegation does not appear to be correct. Admittedly, he had been served with a suspension letter on 3-3-89. This letter reads as follows :

"The circumstances appearing against you are as under :

On 28-2-1989 when you were in the 2nd shift, you were assigned the duty to take the Company's Bus No. MMY 9119 to Vashi to bring the Company's Management Staff reporting for the 3rd shift. You took the bus at around 9.30 p.m. from the Rehnery. At round 9.45 p.m., Shri S. Philipose (Ref. No. S-311) who was waiting at Mankhurd Bus Stop saw the above bus coming towards the Mankhurd Bus Stop. Since it was unusual for the Company's bus to come to Mankhurd Bus Stop, he came to check and he found lot of outsiders (other than Company's employees) entering the Company's bus. He along with others boarded the bus. He recognised you. After a few minutes somebody started collecting money from the passengers @Rs. 1.50 each apparently towards the charges for travel. Shri S. Philipose also gave Rs. 1.50 to him. The bus stopped at Vashi Village near Sterling Hospital where some of the passengers got down. At around 10.15 p.m. the Company's bus again stopped by the road-side opposite Cactus Restaurant where all the passengers were told by you to get down.

From the above, it is very clear that you have misused the Company's bus for carrying outsiders (other than Company's employees) with an intention of making money."

A bare reading of this letter goes to show that the management had made known to the workman at the earliest opportunity the charge he was required to face. He had then ample opportunity to consult the union leaders and others about the charge. On 3-3-89 itself, he wrote out his confessional statement, xerox copy whereof is Ex. E. Admittedly, the enquiry did not commence till 6-3-89. Thus, he had ample opportunity to consult his union leaders and to seek advice and

opinion. He had ample opportunity to retract from his confession, (which he alleges to have been induced by a false assurance that he would not lose his job, the story which I have found to be unbelievable and not established).

17. Learned counsel for the workman vehemently contended that there is no proof about the date on which charge sheet was served on the workman. The management has not led any evidence to show when the charge-sheet was served and this fact alone is sufficient to vitiate the enquiry. I find that this contention has no legs to stand upon. In the written statement of claim, the union stated (page 2) :

"The charge-sheet dated 4-3-89 was actually served upon the workman on 6th March, 1989 at about 9 a.m."

Thus, this fact was not in dispute at all. The management in its reply did not challenge or controvert this fact. When it was so, the management was not required to adduce any evidence as to when the charge-sheet had been actually served on the workman. In this affidavit, the workman stated to the effect that he was given a charge-sheet on 6-3-89. In his cross-examination, he stated :

"I am shown charge-sheet dated 4-3-89. It bears my signature at the bottom (marked e) I did not say that I did not receive the charge-sheet dated 4-3-89. I was not asked about it."

He, then on second thought prevaricates and stated :

"I did not receive copy of the charge-sheet even on 6-3-89."

This statement is evidently false and unreliable. Hence, the contention of the learned counsel for the union does not merit any serious consideration and deserves to be rejected.

18. Learned counsel for the union, relying upon the fact that in the proceedings sheet on 6-3-89, there were certain scoring out tried to build up an argument that in fact the proceeding sheet had been typed in advance and this necessitated scoring out of the original typed matter so as to suit the exigencies and hence it should be inferred that the enquiry officer conducted the enquiry, not with an open mind, but with a biased and closed mind. Exhibit D is the proceeding sheet. On page 1 of the same, there has been no scoring out, nor there is over-typing. In this sheet, there are certain questions and their answers are material. I may profitably reproduce them :

"E.O. : Have you recd. the charge-sheet No. P&A:IR : 5935/43, dated 4-3-89 which states the misconduct alleged against you ?

CSE : Yes.

E.O. : Have you understood the charges or would you like me to explain the charge-sheet to you ?

CSE : Yes.

(E.O. reads out the charge-sheet to CSE and explains the charges levelled against him)

E.O. : In the copy of the charge-sheet there is a signature which is supposedly yours, is this your signature ?

CSE : Yes.

E.O. : Have you submitted any written explanation in reply to the charges levelled against you ?

CSE : No.

E.O. : Do you or do you not plead guilty to the charges levelled against you vide the said charge-sheet No. P&A:IR (R) : 5925/43, dated 4-3-89 ?

CSE : Yes. I plead guilty to the charges levelled against me, vide the above mentioned charge-sheet.

E.O. : The letter dated 3-3-89 written by your own handwriting pleading guilty of the misconduct. Is it yours ?

CSE : Yes.

E.O. : Would you like to produce any witnesses on your behalf ?

CSE : No."

This sheet bears the dated signatures of the enquiry officer, the departmental representative and the charge-sheeted employee.

On the second sheet, following questions and answers occur. However, there is some overtyping in certain portions. But, the scripts as it stood on date, was again signed by the charge-sheeted employee, the management representative and the Enquiry Officer.

What were the originally typed portions, and were scored out, have come in the evidence of Mr. M. P. Goind Rajan. According to him, the various portions marked by the Tribunal, the

original writing, which was scored out was as follows :

Portion A to B "CSE. . . . No."

Portion C to D "Do you like to cross-examine any witness".

Portion E to F "Who have been produced by the company".

Portion G to H "With the consent of all concerned the E.O. closes the enquiry".

Portion I to J "E.O. would you like to examine any of your witness".

Now, it may be recalled that there was not a single scoring out on page 1 of the proceedings sheet. The portions which have been reproduced above are incongruous with what finds on page 1 of the proceedings sheet. The enquiry officer has stated that the aforesaid portions were typed by the typist on his own and were got scored out under his directions. This statement has been materially corroborated by Shri Govind Rajan. It may be stated that this is not the grievance of the workman in the statement of claim or even in his affidavit. In view of the overall circumstances, I find the statement of the enquiry officer that the portions reproduced above had been typed by the typist on his own and were got scored out by him is reliable I do not find any valid reason to reject the statements of these two witnesses on this point.

19. A contention was raised that the workman did not know English and the proceedings were not explained to him, hence he had been prejudiced. This contention too is without substance. The workman does not say that he did not know English. He, in a very guarded manner said in his affidavit :

"I say that I had not read the charge-sheet as I can not read English properly".
(emphosismine)

This is belied by the recitals in the proceedings sheet, which bears his signature. The Enquiry Officer has stated as follows in this regard :

"I started the enquiry by initially explaining in Hindi language to the Charge-sheeted Employee/workmen that I would record the proceedings in English and explain the same to him in Hindi. The workman agreed to the said procedure, by saying 'Yes'. Thereafter, I enquired with him as to whether he had received the Charge-sheet dated 4-3-1989 to which he answered in the affirmative. Thereafter, I explained to him in Hindi the charges levelled against him. I had also enquired with him by showing him the copy of the said Charge-sheet bear-

ing his signature which was placed on record by the Management Representative to confirm his signature. To the said question, the Charge-sheeted Employee answered that he received the Charge-sheet and the signature thereon was of himself. I asked him as to what he had to say in respect of the charges. He stated that he had already submitted a written reply in his own hand writing on 3-3-1989 and did not propose to file any further explanation to the charges levelled against him. I say that to my specific question whether he pleaded guilty to the charges levelled against him, the Charge-sheeted employee admitted all the charges and pleaded guilty.

I enquired with him, as to whether he wanted to examine any witnesses or cross-examine any of the Company's witnesses, in addition to what he had stated on 3-3-1989. Shri Tekavade Charge-sheeted Employee stated that he did not desire to examine any witnesses or wanted to cross-examine any of the company's witnesses."

This detailed statement has not been subjected to any cross-examination worth the name and I have no reason to doubt the veracity of this statement and I accept the same as true and reliable.

Hence, I find that this contention is also without substance.

20. In the aforesaid premises, I hold that in the circumstances of the case, the domestic enquiry held was fair, proper and legal. The same does not suffer from any infirmity which may go to vitiate the same in any manner. Now, the matter be posted to 4-7-96 for hearing both the sides on the quantum of punishment. Both the sides be appraised of this order.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer
Reference No. CGIT-1/56 of 1990

PARTIES :

Employers in relation to the management of
B.P.C.L. (Refinery Division), Mahul,
Bombay

AND

Their workmen

APPEARANCES :

For the Management—Shri R. S. Pai, Advocate

For the Workman—Shri Gadkari, Advocate
Mumbai, dated the 20th day of February, 1997

AWARD (Part—II)

The appropriate Government referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Bharat Petroleum Corporation, Mahul Refinery in dismissing Shri B. P. Tekavade, Driver from service with effect from 20th March, 1989 is justified ? If not, to what relief the workman is entitled ?”

2. By award Part-I dated 7th June, 1996, I have held that the domestic enquiry conducted against the workman Shri B. P. Tekavade was fair, proper and legal and did not suffer from any infirmity, which may go to vitiate the same.

3. The detailed facts of the case have been narrated in Award Part-I and I do not deem it proper to reproduce them here and encumber this Award (Part-II). Award Part-I is and shall be deemed to be an integral part of this award.

4. The questions which survive for consideration are, whether (i) charge against the workman is sustainable on basis of acceptable evidence; (ii) If so, whether the punishment imposed upon the workman calls for any interference.

5. I may state at the outset that the standard of proof in domestic enquiries is different from standard of proof required to prove a criminal charge. The burden of proof in domestic enquiries is comparative lighter and the cases have to be decided on basis of preponderance of probabilities.

6. The admitted position before me is that on 28-2-89, Mr. B. P. Takewade was on duty as Driver of the Bus of the management (MMY 9119) which was meant for bringing its employees. At about 9.45 p.m. the bus was stopped by the Driver near Mankhurd bus stop near which Shri S. Phillipose, an employee of the company was standing. The case of the management that somebody from inside the bus shouted “Vashi-Vashi” at which Mr. Phillipose alongwith certain others, who were strangers, boarded the bus. After few minutes, somebody started collecting Rs. 1.50 as bus fare, Mr. Phillipose also paid Rs. 1.50. This entire activity was unauthorised and Mr. Tekavade

was neither expected to take the bus to Mankhurd Bus Stop, nor he could allow strangers to travel by bus nor he could have allowed anybody to collect bus fare.

7. The workman pleaded guilty to the charge before the Enquiry Officer. He admitted having written a letter dated 3-3-89 in his own handwriting, wherein he admitted the managements' story.

8. The stand taken by the workman before this Tribunal is that he was compelled by a large number of people, who had assembled at the bus stop, to stop the bus; such persons boarded the bus forcibly and he was compelled to drive the bus at the behest of such persons. His other defence was that he was coerced to write the letter dated 3-3-89 wherein he had admitted the story set up by the management. I have decided both these pleas against the workman while recording Part-I Award. To my mind, the confessional statement of Mr. B. P. Tekavade and his later on pleading guilty to the charge, establishes the charge against him. The confessional statement is substantive evidence against the workman. I have no reason to reject this evidence, which is quite acceptable in law. (Kindly see 1996 (I) LLJ 811 S.C. Add. Distt. Magistrate.

9. Now, coming to the question of punishment, the workman's learned counsel relied upon 1984 Lab. I.C. 7 Sawant Singh's case. In that case, the driver of a bus drove the bus after consuming liquor. Deprecating his conduct, the Labour Court directed the reinstatement of the workman and set aside the order of dismissal and directed stoppage of three increments. The Apex Court in S.L.P. preferred by the Pepsu Roadways Transport Corporation declined to intervene. In my opinion, this ruling does not help the workman at all. Actually, the workman indulged in an act which was not only wholly unauthorised and illegal but also smacked of moral turpitude. AIR 1984 S.C. 914 Ved Prakash is also of no assistance. The workman had abused two officials Bagga and Durga Singh. It was found that punishment of dismissal was shockingly disproportionate. Thus, this ruling also does not assist the workman. In I LLJ. 1982 Supreme Court 472 Ramakant Mishra, the charge was of giving filthy abuses and the Apex Court held that indiscreet, improper and abusive language would at best show lack of culture and does not deserve extreme penalty of dismissal. Thus, this precedent also does not help the workman.

10. On a proper perspective of the entire circumstances of the case, I am of the view that the punishment inflicted on the workman is quite, just and proper and he does not deserve any leniency in the matter and the punishment imposed upon him does not call for any interference.

R. S. VERMA, Presiding Officer

नई दिल्ली, 10 मार्च, 1997

का.आ.879.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16-3-1997 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध तमिलनाडू राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला मदुरै के मेलुर तालुक के राजस्व ग्राम मरुदुर, नरसिंहमपट्टी और उसके अधीन छोड़ा गांव और वेल्लरिपट्टी के अन्तर्गत आने वाले क्षेत्र” ।

[संख्या एस-38013/5/97-एस.एस.-1]

जे. पी. शुक्ला, अवसर सचिव

New Delhi, the 10th March, 1997

S.O. 879.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th March, 1997 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :—

“Areas comprising the revenue village of Marudhur, Narasingampatty and its hamlet and Vellaripatty of Melur Taluk in Madurai District.”

[No. S-38013/5/97-SS.I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 10 मार्च, 1997

का.आ.880.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16-3-97 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की चुकी है) के उपबंध तमिलनाडू राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्—

“जिला कोयम्बतूर के कोयम्बतूर (उत्तर) तालुक में राजस्व ग्राम वेल्मडई, नायक्कन पालयम और धीराकेरालम

और कोयम्बतूर (वक्षिण तालुक में राजस्व ग्राम वदावल्ली के अन्तर्गत आने वाले क्षेत्र । ”

[संख्या एस-38013/6/97-एस.एस.-1]

जे.पी. शुक्ला, अवसर सचिव

New Delhi, the 10th March, 1997

S.O. 880.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th March, 1997 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu, namely :—

“Areas comprising the revenue Village of Vellamadai, Naickenpalayam, Veerakeralam in Coimbatore (North) Taluk and Vadavalli in Coimbatore (South) Taluk of Coimbatore District.”

[No. S-38012/6/97-SS.I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 10 मार्च, 1997

का.आ.881.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग कर हुए, केन्द्रीय सरकार एतद्वारा 16-3-1997 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध तमिलनाडू राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला पसुम्म पोन्न मुतुरामलिंगम के मानादुरै तालुक में राजस्व ग्राम तट्टाकुलम्, कलुगरकोडाई, तिरुप्पुवनम और उनके अधीन छोड़ा गांव नेलमडीकराई के अन्तर्गत आने वाले क्षेत्र ।”

[संख्या : 38013/7/97-एस.एस.-1]

जे.पी. शुक्ला, अवसर सचिव

New Delhi, the 10th March, 1997

S.O. 881.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th March, 1997 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81

which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :—

“Areas comprising the revenue villages of Thattankulam, Kalugarkada, Thiruppuvanam and its hamlet Nelmudikarai of Manamadurai Taluk in Pasumpon Muthuramalingam District.”

[No. S-38013/7/97-SS.I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 10 मार्च, 1997

का.आ. 882.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16-3-1997 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला कोयम्बतूर के पोलाची तालुक में राजस्व ग्राम सामतूर, रामपट्टीनम, मरिचिनायक्कन पालयम, सुलिस्वरण पट्टी, कोट्टाम पट्टी (जमिन), अम्बरम पालयम, कुरुम्बपालयम, अय्यमपालयम, शान्देगौण्डन पालयम, और उन्जवेलम्पट्टी के अन्तर्गत आने वाले क्षेत्र ।”

[संख्या एस-38013/8/97-एस.एस. 1]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 10th March, 1997

S.O. 882.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th March, 1997 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :—

“Areas comprising the revenue Villages of Samathur, Ramapattinam, Marichinai-ckenpalayam, Suleeswaranpatti, Kottampatti (Zamin), Ambarampalayam, Kusumbapalayam, Ayyampalayam,

Santheygoundanpalayam and Unjavelampatti in Pollachi Taluk of Coimbatore District.”

[No. S-38013/8/97-SS.I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 10 मार्च, 1997

का.आ. 883.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16-3-1997 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा 76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध आंध्रा प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला चित्तूर के चित्तूर मंडल में राजस्व ग्राम रेड्डीगुन्टा की सीमाओं और गंगाधर नेलौर मंडल में राजस्व ग्राम पेडाकलवा सहित ग्राम मुस्वर राजापुरम और ईलाम राजूपाल के अन्तर्गत आने वाले क्षेत्र ।”

[संख्या : 38013/9/97-एस.एस. 1]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 10th March, 1997

S.O. 883.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th March, 1997 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

“The areas falling within the limits of revenue village of Reddygunta in Chittoor mandal and the revenue Village of Peddakalva including the villages of Sundararajapuram and Ellamrajupalle in Gangadhara Nellore mandal of Chittoor District”.

[No. S-38013/9/97-SS.I]

J. P. SHUKLA, Under Secy.